

Members are reminded that they must declare all relevant pecuniary and non-pecuniary interests relating to any items of business to be discussed at this meeting

BIRMINGHAM CITY COUNCIL

LICENSING AND PUBLIC PROTECTION COMMITTEE

WEDNESDAY, 13 JULY 2016 AT 10:00 HOURS
IN COMMITTEE ROOMS 3 & 4, COUNCIL HOUSE, VICTORIA
SQUARE, BIRMINGHAM, B1 1BB

A G E N D A

1 NOTICE OF RECORDING/WEBCAST

The Chairman to advise the meeting to note that this meeting will be webcast for live and subsequent broadcast via the Council's Internet site (www.birminghamnewsroom.com) and that members of the press/public may record and take photographs. The whole of the meeting will be filmed except where there are confidential or exempt items.

2 APOLOGIES

To receive any apologies.

5 - 34

3 MINUTES

To note the Minutes of the meeting held on 15 June 2016.

35 - 38

4 REPORT ON THE INTRODUCTION OF COMPULSORY DOG MICROCHIPPING LEGISLATION

REPORT OF THE ACTING DIRECTOR REGULATION AND ENFORCEMENT

39 - 106

5 REGULATION AND ENFORCEMENT ANNUAL REPORT 2015/2016

REPORT OF THE ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

107 - 116

6 HEALTH AND SAFETY LAW ENFORCEMENT PLAN 2016/2017

REPORT OF THE ACTING DIRECTOR REGULATION AND ENFORCEMENT

<u>117 - 180</u>	7	<u>CONDITIONS OF LICENCE FOR PRIVATE HIRE OPERATORS</u>	REPORT OF THE ACTING DIRECTOR REGULATION AND ENFORCEMENT
<u>181 - 192</u>	8	<u>PROPOSAL TO INTRODUCE A QUALITY RATING SYSTEM FOR PRIVATE HIRE OPERATORS</u>	REPORT OF THE DIRECTOR OF REGULATION AND ENFORCEMENT
<u>193 - 202</u>	9	<u>LICENSING AND PUBLIC PROTECTION – BUDGET MONITORING 2016/17 (MONTH 02)</u>	REPORT OF THE ACTING DIRECTOR REGULATION AND ENFORCEMENT
<u>203 - 222</u>	10	<u>FIXED PENALTY NOTICES ISSUED MARCH AND APRIL 2016</u>	REPORT OF THE ACTING DIRECTOR OF REGULATION AND ENFORCEMENT
<u>223 - 270</u>	11	<u>PROSECUTIONS AND CAUTIONS DURING MARCH AND APRIL 2016</u>	REPORT OF THE ACTING DIRECTOR OF REGULATION AND ENFORCEMENT
<u>271 - 280</u>	12	<u>OUTCOME OF APPEALS AGAINST SUB COMMITTEE DECISIONS MARCH, APRIL AND MAY 2016</u>	REPORT OF THE ACTING DIRECTOR OF REGULATION AND ENFORCEMENT
<u>281 - 284</u>	13	<u>ACTIONS TAKEN BY THE CHIEF OFFICER IN CONSULTATION WITH THE CHAIR OF THE LICENSING AND PUBLIC PROTECTION COMMITTEE DURING APRIL, MAY AND JUNE 2016</u>	REPORT OF THE ACTING DIRECTOR OF REGULATION AND ENFORCEMENT
<u>285 - 286</u>	14	<u>USE OF HOVER BOARDS / BALANCE BOARDS ON ROADS AND PUBLIC FOOTPATHS - OUTSTANDING MINUTE 617(II) 17/02/16</u>	BRIEFING NOTE OF THE ACTING DIRECTOR OF REGULATION AND ENFORCEMENT
<u>287 - 288</u>	15	<u>SCHEDULE OF OUTSTANDING MINUTES</u>	.
	16	<u>OTHER URGENT BUSINESS</u>	To consider any items of business by reason of special circumstances (to be specified) that in the opinion of the Chairman are matters of urgency.
	17	<u>AUTHORITY TO CHAIRMAN AND OFFICERS</u>	Chairman to move:- 'In an urgent situation between meetings, the Chair jointly with the relevant Chief Officer has authority to act on behalf of the Committee'.

18 **EXCLUSION OF THE PUBLIC**

Chair to Move:-

"That, in view of the nature of the business to be transacted, which includes the following exempt information, the public be now excluded from the meeting:-

<u>Agenda Item etc.</u>	Relevant Paragraph of Exempt Information Under Revised Schedule 12A of the Local Government Act 1972
'Private' Minutes of the last meeting	3
Request to introduce Advertising Roof signs for Hackney Carriage Vehicles	

PRIVATE AGENDA

19 **MINUTES**

To note the private section of the Minutes of the meeting held on 15 June 2016 and Confirm and sign the Minutes as a whole.

289 - 316

20 **REQUEST TO INTRODUCE ADVERTISING ROOF SIGNS FOR
HACKNEY CARRIAGE VEHICLES**

REPORT OF THE ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

21 **OTHER URGENT BUSINESS (EXEMPT INFORMATION)**

To consider any items of business by reason of special circumstances (to be specified) that in the opinion of the Chairman are matters of urgency.

BIRMINGHAM CITY COUNCIL

LICENSING AND PUBLIC PROTECTION COMMITTEE 15 JUNE 2016

**MINUTES OF A MEETING OF THE LICENSING
AND PUBLIC PROTECTION COMMITTEE HELD
ON WEDNESDAY, 15 JUNE 2016 AT 1000
HOURS IN COMMITTEE ROOM 6, COUNCIL
HOUSE, BIRMINGHAM**

PRESENT: - Councillor Barbara Dring in the Chair;

Councillors Nawaz Ali, Bob Beauchamp, Alex Buchanan,
Lynda Clinton, Neil Eustace, Des Flood, Jayne Francis, Nagina
Kausar, Mike Leddy and Gareth Moore.

NOTICE OF RECORDING

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APOLOGIES

- 666 Apologies for non-attendance were submitted on behalf of Councillors Rob Sealey, Penny Holbrook, Basharat Dad and Tony Kennedy.

NB: Councillor Tony Kennedy subsequently attended the meeting.

DECLARATION OF INTERESTS

- 667 No declarations of interest were made.

APPOINTMENT OF LICENSING AND PUBLIC PROTECTION COMMITTEE

- 668 The appointment by the City Council of the Committee and Chairman for the Municipal Year 2016/2017 was noted as follows:-

Labour Group (10)

Councillor Nawaz Ali
Councillor Alex Buchanan
Councillor Lynda Clinton
Councillor Basharat Dad
Councillor Barbara Dring (Chairperson)
Councillor Jayne Francis
Councillor Penny Holbrook
Councillor Nagina Kauser
Councillor Tony Kennedy
Councillor Mike Leddy

Conservative Group (4)

Councillor Bob Beauchamp
Councillor Des Flood
Councillor Gareth Moore
Councillor Rob Sealey

Liberal Democrat Group (1)

Councillor Neil Eustace

ELECTION OF DEPUTY CHAIR

Nominations were put forward for Councillor Alex Buchanan the only nomination.

Councillor Buchanan was elected as Deputy Chair – to act on behalf of the Chair in her absence.

FUNCTIONS, POWERS AND DUTIES

The following schedule was submitted:-

(See document No. 1)

669

RESOLVED:-

That the Committee's functions, powers and duties, as agreed by City Council and set out the attached schedule be noted.

DATES OF MEETINGS OF THE LICENSING AND PUBLIC PROTECTION COMMITTEE

670

RESOLVED:-

That meetings of the Licensing and Public Protection Committee be held on the following Wednesdays at 1000 hours at the Council House, Birmingham.

2016

13 July
14 September
19 October
16 November
14 December

2017

18 January
15 February
15 March
12 April

LICENSING SUB-COMMITTEES 2016/2017

Councillor Moore referred to an email from the Chairman with regard to changing the sub-committees days and enquired whether they were moving to having afternoon sessions.

The Chairman advised that the sub-committees were to be left as they were currently as there was no agreement to move them yet. There had been some discussions with regard to Wednesdays, whereby they may want to start earlier to accommodate Councillors Beauchamp and Eustace. They were aware that people who sat on the sub-committees were assisted by Full Council. People who sat on the sub-committees were allotted days to their particular sub-committees and this revolves around everything else they had to do in relation to their representation elsewhere within their Council duties. It would have caused too much upheaval to change it to what had been suggested as they wanted to get rid of Tuesdays and add Thursdays.

671

RESOLVED:-

- (i) That the membership of Licensing Sub-Committee's A, B and C for the Municipal Year 2016/2017 be noted;
- (ii) that each Sub-Committee comprise 3 Members (with a quorum of 3) and that authority be given for each Sub-Committee to determine matters relating to the Licensing Act 2003, the Gambling Act 2005, Hackney Carriage Licences Private Hire Licences and such other business as maybe referred to then by the Director of Regulation and Enforcement;
- (iii) that any Sub-Committee Member may appoint a nominee (substitute) from their own party group on the Licensing and Public Protection Committee to attend a meeting in their place.

Licensing Sub-Committee A – Mondays (0930 hours)

Cllrs	Barbara Dring (Chairman)	Lab	Oscott Ward
	Nagina Kauser	Lab	Aston Ward
	Bob Beauchamp	Con	Erdington Ward

Licensing Sub-Committee B – Tuesdays (1000 hours)

Cllrs	Lynda Clinton (Chairman)	Lab	Tyburn Ward
	Nawaz Ali	Lab	South Yardley Ward
	Gareth Moore	Con	Erdington Ward

Licensing Sub-Committee C – Wednesdays (1000 hours)

Cllrs	Alex Buchanan (Chairman)	Lab	Billesley Ward
	Mike Leddy	Lab	Brandwood Ward
	Neil Eustace	Lib Dem	Stechford and Yardley North

MINUTES

In response to Councillor Moore's enquiry in relation to the Cumulative Impact policy - Minute 660, Chris Neville stated that he understood that the consultation had gone out, but that he would check with the officers concerned. He advised that if it did not go out he would ensure that it was done immediately.

672

RESOLVED:-

That the Minutes of the meeting held on 20 April 2016, having been previously circulated, were confirmed and signed by the Chairman.

SCHEDULE OF NOMINATIONS TO SERVE ON OUTSIDE BODIES

The following schedule was submitted:-

(See document No. 2)

Councillor Clinton highlighted the importance for Members to attend and stated that due to work commitment, some Members were unable to attend.

She suggested that within their individual groups they check with Members to ensure that they could attend for this season.

On receipt of nominations it was:-

673

RESOLVED:-

That, subject to any necessary approval of the Cabinet, the following Members be appointed to serve on each of the Safety of Designated Sports Grounds – Advisory Groups listed below:-

Aston Villa Football Club

Councillors Des Flood, Bob Beauchamp, Roger Harmer, Tony Kennedy (Chairman), Mike Leddy and Mike Sharpe.

Birmingham City Football Club

Councillors Randall Brew, Andy Cartwright, Lynda Clinton (Chairman), Zafar Iqbal, Robert Alden and Mike Ward.

Warwickshire County Cricket Club

Councillors Ewan Mackey, Neil Eustace, Mahmood Hussain, Nagina Kauser, Majid Mahmood (Chairman) and Habib Rehman.

**CONTROL OF SEX ESTABLISHMENTS – SEV, MEDUSA LODGE
GENTLEMANS CLUB, 139 – 147 HURST STREET, SOUTHSIDE,
BIRMINGHAM, B5 6SD**

The following report of the Acting Service Director of Regulation and Enforcement was submitted:-

(See document No. 3)

The following persons attended the meeting:-

On behalf of the applicant

Ms S Clover – Barrister acting on behalf of the applicant.
Ms C Carrington – Owner of Club and Director
Mr Carl Moore – Risk Consultant for the Club

Those making representations

A person making representation who wished to remain anonymous

Following introductions from the Chairman, Mr David Kennedy, Licensing Section, highlighted the information contained in the report:-

(See document No. 4)

Ms S Clover made the following points in relation to the application for a transfer:-

- a) This was an administrative matter for formality for the application for the Sexual Entertainment Venue (SEV) was made and granted on the 16 December 2015. At that time the merits of the application was considered in detail and the nature and style of the premises was looked at.
- b) Prior to that grant of the SEV, there was an application for the grant of a premises licence under the Licensing Act 2003, when similar issues were looked at, but in the context of the Licensing Act and the licensing objectives and the sale of alcohol. The merits of the Club were considered twice and the decision of the Committee on both occasions that the application was sound and that the license be granted.
- c) There was an objection from a different member of the public to the grant of the SEV in December 2015 and the objection was from someone who had feared that bringing the SEV close to the Nightingale might raise homophobic problems. That objector's fear arose prior to the application and he later withdrew his objection. At the time of the grant of the SEV, there were no objections from members of the public to that grant going through. It was deemed that the application could go through.
- d) This was a new objection to the merits of the application that was not presented at the time of the grant of the application. All they were doing today was to transfer that same licence of the exact same premises, with exactly the same style of operation, conditions, policies and everything about it which was identical to be transferred with the Committees permission from Starwhite Limited to Warwood Limited and the reason for this was business convenience.
- e) The applicants had other licensed venues, SEVs and they wanted to have one company operating each set of premises. Warwood was the name of Mr Warwood, one of the directors. The directors of each of the companies were identical and the people the licence was granted to in December 2015 were the same people who owned Warwood. It was purely a technicality as far as the company was concerned for business reasons.
- f) Page 3 of the report, paragraph 5.3 – paragraph 5.2 correctly points out that none of the mandatory grounds for refusal applied, but then at paragraph 5.3 it states that all of the discretionary grounds could be taken into account. This was not true for a transfer. For a transfer, only grounds (a) and (b) applied Schedule 12 section 2(b) of the Act. *The appropriate authority may refuse an application before the transfer of a licence on either or both of the grounds specified in paragraphs (a) and (b) of sub-paragraph 3.*
- g) The whole of sub-paragraph 3 was in front of the Committee, but only grounds (a) and (b) would apply to the transfer. The Committee would

have to find that the applicants Warwood Limited was (i) unsuitable to hold the licence because they were convicted which was not the case; or (ii) if the transfer to the business would be managed by or carried on by another person for the benefit of the applicant, it would be refused if he made the application himself which was clearly not the case as Starwhite and Warwood were exactly the same people.

- h) The matters raised in the objection in Appendix 6, although clearly heartfelt and an honest belief was not relevant to this particular application.
- i) There were four directors - Ms Carrington who was present at the Committee meeting, Mr Warwood, Mr Thompson and Mr Opher. They were exactly the same directors as Starwhite Limited. They had to make a declaration as to whether there were any matters of convictions and the police had looked at that and had no objections to it as there were no hidden matters. These same directors owned and operated other SEVs in other towns and their applications had gone through in those towns. Ms Carrington owned a licensed SEV in Stratford-Upon-Avon

At this juncture, Members of the Committee sought clarification as to multiple towns and advised that the Committee would come to its own decision

Ms S Clover continued by making the following points:-

- j) The directors had been scrutinised a number of times in the context of licensed applications and had never been found wanting. They had moved to Penny Farthing Lane, but it was nothing they did wrong. They had carried on trading as a burlesque. They had been trading for 18 months.

Ms C Carrington stated that the Medusa Lodge had a large opening event with a 1920s theme which had gone well. They had suffered some flooding in the last few days. The police had no concerns regarding the establishment. The Gay Pride event had taken place recently and there was no problem as they were well policed. All types of people visited the establishment and the Nightingale Club it was felt complement the area. The area was no problems with children trying to access the premises and a Challenge 25 programme was in place. There were no children lurking around at nights and the area was not one for children with all the Public Houses etc.

There were no further questions to Ms Clover or Ms Carrington.

A person making representation who wished to remain anonymous made the following statements: -

- Her objection was mainly for people who were being exploited particularly women. As it was a SEV she had thought that women were there to be exploited which was her main concern.
- She found it difficult when women were being exploited for someone else's pleasure, which happens on a regular basis – sex trafficking – and was a real issue as it was not something that was not happening.

This was something that had moved her heart when she sees places like the SEVs.

At this juncture the Chairman advised that it was part of the conditions that these issues raised by the resident were protected. The trafficking of women was part of the Act that allowed these venues operate. They were given the licences on that understanding that those issues were part of the conditions of the licences.

Councillor Flood enquired how access to these venues were policed.

The Chairman explained that her colleague would be allowed to asked the question on this occasion as he was a new Member of the City Council and had not yet had his training.

Ms Carrington advised that there were four security personnel on the door – one female and three males and that they also had security inside the venue. Everyone was treated politely and all the 'girls' were escorted to their cars in the car park across the road at the end of the night. The Club was secured at the front by a company in Birmingham that did all the doors in the area.

Ms Clover advised that the application was sent to the police who had scrutinised it and that had there been any incidents, whilst the Club had been trading, the police would have drawn this to the attention of the Committee.

The Chairman reiterated that she had allowed the question from Councillor Des Flood who was a new Member of the Committee and he had not yet had his training and know the procedure. He should have had his question in before they moved to the representation.

In response to a question from a Member of the Committee to the objector as to whether an approach had been made to Church Industrial Chaplains regarding not just the Medusa Lodge, but other SEVs. The person making representation advised that this would be done.

There was no submission from the applicant, but that they were happy to answer any further questions.

There was no submission from the person who had made representation.

At 10:45am, the Chairman requested that all present, with the exception of Members, the Committee Lawyer and the Committee Manager withdraw from the meeting.

After an adjournment, all parties were recalled to the meeting at 10:55am and the decision of the Sub-Committee was announced as follows:-

674

RESOLVED:-

That the application by Warwood Limited for a transfer of the Sexual Entertainment Venue (SEV) licence under the Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing

and Crime Act 2009 in respect of Medusa Lodge Gentlemen's Club, 139 – 147 Hurst Street, Southside, Birmingham, B5 6SD, be granted.

Members carefully considered the representation of other persons and noted their concerns. However, there were no statutory grounds to refuse the application based on the representation received.

In reaching this decision, the Licensing and Public Protection Committee gave due consideration to the City Council's SEV Policy, the information contained in the application, the submissions made at the hearing by the applicant, their Counsel and the other person who had made representations.

The applicant can appeal the decision of the Licensing and Public Protection Committee in accordance with the provisions of Schedule 3, paragraph 27 of The Local Government (Miscellaneous Provisions) Act 1982, and should be made within 21 days of the decision to the Magistrates Court.

LICENSING AUTHORITY POLICIES, PROCEDURES AND DELEGATIONS

The following report of the Acting Service Director of Regulation and Enforcement was submitted:-

(See document No. 5)

Emma Rohomon, Licensing Operations Manager, made introductory comments relating to the report. She advised that the report did not change any of the policies, but that they were brought back to the Committee each year to ensure all the delegations were approved. It did not seek to introduce anything new or revised any policies. What it did was to consolidate everything into one place. The Hackney Carriages and Private Hire policies had been revised into one format to make it easier for people to reference.

A short discussion ensued during which Ms Rohomon advised that the document reflects the current position and that any amendment would be brought back to the Committee which would be reflected in the revised document.

675

RESOLVED:-

- (i) That the Committee notes the policies approved by City Council:
 - Relating to the Gambling Act 2005 and approved in 2016;
 - Regarding Sexual Entertainment Venues and approved in 2014;
 - Relating to the Licensing Act 2003 and approved in 2015.
 - (ii) That the Committee approves the policies and procedures and delegations contained in the report.
-

EYETEASE – REQUEST TO INTRODUCE ADVERTISING ROOF SIGN FOR HACKNEY CARRIAGE VEHICLES

676

This item was withdrawn from the agenda.

REVIEWING THE GEOGRAPHICAL KNOWLEDGE TEST FOR PRIVATE HIRE DRIVERS

The following report of the Acting Service Director of Regulation and Enforcement was submitted:-

(See document No. 6)

Chris Arundel, Principal Licensing Officer introduced the item and drew the Committee's attention to the information contained in the report.

In response to questions and comments from Members, the officers gave the following responses: -

- i. With regard to the English Language communication, it was accepted that it was important to keep the one to one testing which they currently have with the existing Knowledge Test in a reduced form so that the officers would be able to assess the ability of the candidates to answer the questions and to understand a normal conversation in English.
- ii. Concerning the navigational issues, if the geographical element was removed, the requirement to learn those part of the test would not be there which would require the use of a navigational system.
- iii. A lot of the bigger and more sophisticated operators now use communication devices with their drivers which has an element of built in satellite navigation and enable them to provide that sort of information to their divers.
- iv. Some will not and would be working with operators who did not have that facility and would have to rely on a Satnav if they did not know where they were going. It was felt that if the City Council insists on maintaining a high level of geographical awareness which discourages drivers from even coming to Birmingham to get a licence; those drivers would still be obtaining a licence elsewhere and would still be working in Birmingham.
- v. The City Council had neither control over those drivers nor what they do and it was felt that although the Council may lose something, slightly with the removal of the geographical element, if it encourages more drivers to stay in Birmingham and accountable to the Committee, this would be preferable than to see the City flooded with drivers from elsewhere.
- vi. The issue of divers being licensed elsewhere to a certain extent they could not control where drivers chose to go and licence. They were

getting a lot of enquiry from drivers wanting to apply for licence in Birmingham, but who did not want to do The Knowledge Test.

- vii. They were also getting enquiries from drivers who were licensed elsewhere in the West Midlands, but did not want to take The Knowledge Test, but were informed that there was a possibility that this would change.
- viii. Some of the operators who had enquired stated that they had a long established history in Birmingham, but would prefer to operate solely from Birmingham and to recruit drivers from Birmingham and believed drivers would only work for them with licences obtained from other neighbouring authorities would come and work for them under a Birmingham licence if it was easier for them to obtain. It could not be certain that these drivers would choose to do so.
- ix. If the Council maintain the standards that they were choosing to maintain at present whilst other local authorities did not, there was a strong likelihood that drivers would continue to leave the City and obtain licences elsewhere. As a result of the changes in legislation they would still be working in Birmingham. If the numbers that were doing so could be reduced and encourage more of them to be licensed in Birmingham they would be answerable to this authority and this Committee.
- x. The ability to speak English was important and this was the main reason they wanted to retain the one-to-one element of the testing. The Knowledge Test would still be conducted with individuals and would not be passing them if they were not confident that they could hold a reasonable conversation in English properly with their passengers.
- xi. In terms of Safeguarding, they have had initial meetings with the people who provide the disability training. They had put forward some ideas of the Safeguarding element to the existing course. They were in the process of renewing the arrangements as they intend to do this as part of the process.
- xii. The Safeguarding was something that they already did the training for and the organisation stated that they believed they could incorporate in the disability training. It would be an advantage to operate a single course rather than to expect drivers to do multiple courses and it was hope that this would be resolved in a few months.
- xiii. The licences were issued to executive drivers as they advised they were only going to do executive work and not the normal private hire work. The test that they undertook was the executive drivers test and was essentially the standard knowledge test, but with the geographical element removed. They had to answer the legal questions and demonstrate their understanding of navigation and they had to convince the testing officer that they had good conversation in English.
- xiv. If the Council was to reduce the existing Knowledge Test for Private Hire Drivers the legal questions, English test and the A-Z navigation

test, they would effectively be requiring the same standard for regular applicants as would be required for people who had done the restricted test.

- xv. As they had effectively met that same standard then it would seem reasonable to give them the same licences as everyone else. They could require them to take the test again as it was a relatively simple matter, but it was thought that it would be appropriate to simplify the system by removing the executive status of the restrictive private hire as it would no longer be necessary.
- xvi. Ms Rohomon noted Councillor Moore's concerns regarding the signage on executive vehicles and stated that it was not as straightforward as that in terms of requiring anything to be imposed upon a driver.
- xvii. If a driver had a licence for three years, they were subjected to the conditions that were imposed upon the issue of that licence and the Council were not able in law to require them to do something or to suspend their licence if they had not done something that was imposed during the term of that licence.
- xviii. What they could do was rather than just impose the Child Sexual Exploitation training as proposed by the Scrutiny Committee, was to look at a much broader picture of Safeguarding and vulnerable passengers who were vulnerable through drink or other forms of intoxication or incapacity. It was looking at it to get something suitable going forward to not just address one part of a much bigger picture. This will take some time as they wanted to do it right.
- xix. The way that Mr Arundel outlined that this would be done, this would only address new applicants, but they were working on a plan to get all the licensed drivers to be trained/sit the training. However, there would be an aspect as to whether or not they could require people to do the training during the term of their licence.
- xx. What they would like to do was to put forward the training and advised drivers that if they attend during the course of their licence, that would be good. There would be some incentive to get drivers to do the test during the course of their licence, but they could not suspend people's licence for not doing something that was not required at the time they were issued their licence.
- xxi. Ms Rohomon noted the Chairman's comment concerning the obligation on drivers and operators to go on the training course and advised that anyone who was issued with a licence after the decision was made this would be required of them.
- xxii. However, for anyone who already had a licence, any conditions that had been made during the course of their licence would not take effect until they were issued with a new licence in three years' time. They could not amend the conditions of the licence during its lifetime. On renewal they would be subject to the new conditions. Any amendments

that were made to the conditions on renewal, they would be issued with the conditions on renewal.

- xxiii. The restricted licence were issued for people who wanted to work for a chauffeur company. The restriction applied to the vehicles which was dealt with separately. The exemptions relates to those individual vehicles and they had conditions and requirements attached with regard to what the vehicle could and could not be used for.
- xxiv. Even if a driver became eligible to do a wider range of work, if he had a vehicle with exemption on it and if he broke the terms of those exemptions he would not be allowed to keep the exempted status to use the vehicle without the signage on it so if a driver was going to use it outside of the normal purpose he would have to put the signage back on it as he would be breaching the agreement that was made for the exempted vehicle.
- xxv. Mr Arundel noted Members concerns regarding standards and stated that the issue was not what might be happening, but it was actually happening now.
- xxvi. A lot of Birmingham licensed operators had taken out operators licences in Sandwell, Walsall and Solihull and were now able to pass jobs from their Birmingham office to these other offices and then serviced that job with the driver licence elsewhere. Maintaining our standards would not prevent those drivers operating, it makes it more likely that they would be licensed elsewhere.
- xxvii. They did not speak with the general public about this as it was something that was currently happening on a regular basis. The numbers of private hire vehicles that was registered elsewhere could be seen on Broad Street for example. There was nothing they could do as an authority to prevent this from happening.
- xxviii. Any driver who was prevented for whatever reason from getting a licence in Birmingham, because he is considered not to be suitable as he did not want to attempt the test could go and get this from other local authorities and could then come back and work in Birmingham with jobs that had been subcontracted in the area by an existing Birmingham operator.
- xxix. They had no control over this and there was nothing that they could do to address the problem. This was the reason they were forced to come to the Committee for a decision as it was felt that they needed to make this easier and more attractive for those drivers to be licenced in Birmingham.

The Chairman voiced concerns that they were getting a large number of Hackney Carriage and Private Hire Drivers coming from outside the City and the Council had no control over them as they did not have the conditions placed on them that they have in Birmingham. The Knowledge Test was a small part of the conditions for the drivers and to bring this into the 21st

Century was the easiest part, which was what they were attempting to do including the Satnav situation, provided they all had up to date Satnavs, in her opinion they should be moving in that way, by bringing the Knowledge Test into the 21st Century and bringing in the aids that were there to assist the drivers.

The Chairman further voiced concerns that operators were taking up offices outside Birmingham to make use of the drivers who did not have to go through the Knowledge Test so that they could pick work in Birmingham. These drivers should be registered in Birmingham and the Council should be controlling them.

In terms of the conditions – the language was important as they should be able to speak English. People could still get into a taxi and did not understand what the driver was saying. Sitting on the Sub-Committees, there were people coming with interpreters/wanting an interpreter to interpret for them. The question was why they were still getting through when they could not speak English. Speaking English and being able to communicate with the person you were providing the service for was important. There needed to be more training on the conditions of the licence, because if they knew what the conditions of the licence were they would not get so many people coming before the Sub-Committee because they had breached the conditions.

In recommendation 2.1(iii) the word *unrestricted* was of concern to Members as it meant that drivers and operators could do what they wanted. Clarification/tightening up of this was needed.

Mr Arundel advised that the use of the word *unrestricted* was merely used to demonstrate that it was not to restrict the Private Hire Licence as they issued the standard hire licence and they restrict the private hire licence. It was a way of making fewer conditions, not with the intention of making it a free for all.

With regard to training, the proposals were brought to this Sub-Committee so that the Sub-Committee could be made aware of the situation which was currently facing the licensing officers. They had put forward some suggestions in relation to how they could amend the existing tests so that they could get rid of the problematic element of the geographical area, but still had the ability to speak with the drivers on a one-to-one basis, assessment them in speaking English and the conditions on a legal basis and the A-Z navigation exercise. If Members believed that this should be modified beyond what had been suggested they would do so.

A comment was that the problems were not with the drivers, but with the operators. If an operator was opening up an office outside of the area, this meant that he had less drivers working in Birmingham. The question was how effect they were being as operators. The Committee was told some time ago that they would be rating and classifying various operators and that they would be given a star rating, but this had not happened since it was agreed.

Chris Neville, Head of Licensing advised that a report would be presented to the Committee meeting on the 13th July 2016 inviting the Committee to agree a rating scheme for private hire operators.

Sanjeev Bhopal, Committee Lawyer advised that he share the concerns of the licensing officers and proposed that the conditions of the licence could be modified by way of a licensing cycle and stated that he could provide the information around the issue at a future date. He noted that there was an outstanding Minute on the issue of Safeguarding and suggested that the information could be coupled with that. The Chairman agreed for this to be done.

At this juncture, the Chairman invited comments from Mr David Wilson, A-Z Licensing Consultants acting on behalf of Star Cars and Mr Farzan Ali, representative from Uber.

Mr Wilson advised that he was a representative for Star Cars and other car companies across the country. He stated that if it assisted the Committee, other authorities in terms of Safeguarding and Child Sexual Exploitation awareness training had the same problems with regard to the attaching of conditions mid-term which the Council could not do.

He advised that what other authorities did by introducing the type of training suggested by Councillor Moore, was by having a number of days of x duration and invite drivers to attend with the warning that if they did not attend now without any direct cost to them, when they come to renew their licence, it would be a requirement for them to attend the course and there would be a fee for attending it, creating a financial incentive for doing this now. Other authorities have had close to 100% attendance on this approach. He added that it was hoped the same would be achieved in Birmingham.

In terms of the geographic knowledge of the test for Private Hire Drivers, the Council was in the position in which a number of years ago the Council had approximately 7000 Private Hire Drivers, but now they only had approximately 3,500. The Council had only recruited 100 plus new drivers with the current Knowledge Test. He suggested that if there were problems with drivers not having a good conversation in English, they were probably related to the 3,500 that was licensed before the current test was introduced and were not part of the 100 plus who had gone through the test now.

Private Hire operators having only half the number of hired drivers that were working in the trade a number of years ago, but still had the great demand to meet their service in Birmingham. To meet that demand, they had to find Private Hire Drivers from somewhere and if they were not licensing in Birmingham due to the geographical element of the Knowledge Test, they had to look elsewhere to meet the demand.

In other areas, Telford and Wrekin Council had lost 95% of their Private Hire Drivers a number of years ago who had moved next door to Shropshire due to issues relating to Telford and Wrekin Council. This had every potential of happening in Birmingham. It was not about high or low standards rating, but was about appropriate standards. Having some navigational assessment was

fully supported by operators and every Private Hire Drivers had to work with an operator whether they had technology or a person in the office.

They needed to assess conversations in English and could assess some mathematical skills. Drivers needed to have greater customer skills training – the Disability Awareness Training; Safeguarding training and child sexual exploitation awareness training needed to be included. Raising knowledge standard in connection with the law and the rules were supported by the ... breaking the rules. They did not want drivers picking up off the street as it was counter to their business interest. Drivers were doing things that they should not be doing and were not servicing the customers and should be taken to book. Operators wanted good quality drivers. The question was whether the Council's current standards with the geographical element was achieving that and with the technology that was available this was not essential.

Mr Farzan Ali, representative from Uber made the following points: - He echoed Mr Wilson's comments concerning the Safeguarding issue and advised that in a number of councils Uber operated that was the approach they had taken and that they had good results.

In terms of the geographical knowledge test, the important thing was that it was equating something to lowering of standards, but the real issue was that stated by the Chairman – bringing this forward to the 21st Century where people were using the satnav in order to get around. Uber operate in 24 cities in the UK and they had undertaken an analysis – every trip that was taken on Uber was rated by the customer and if there was a problem with the trip they would inform Uber of this which meant that Uber could tell that there was a route related issue.

If the Knowledge Test was solving the problem of how well a driver could get around town that should reflect in the number of route related complaint that they get from trips taken with Uber. They had looked at 5000 trips that was done across a number of cities by Uber and they looked at cities which had a rigorous knowledge test and those that did not have a rigorous knowledge test and it was found that there was no difference in the number of route related complaints which suggest that the knowledge test was not solving the problem.

They had also interviewed drivers from these cities and found that even cities where they had gone through a rigorous knowledge test they still used the satnav as this was what people did these days. The important distinction between taking something out and replacing it with something more appropriate was not essentially lowering a standard. The one-to-one element of speaking English was welcomed as speaking English was important and Uber had an in life quality process where they look for complaints about drivers who were not able to communicate well or provide good customer service. Uber welcomed the proposals that raised standards of customer service and public protection.

677

RESOLVED:-

That the Committee:

- (i) Agreed to remove the geographical element from The Knowledge Test for Private Hire Drivers;
- (ii) Instruct officers to pursue expansion of the Disability Awareness Training to include Safeguarding training; and
- (iii) Withdraw the restricted private hire licence and replace existing licences on renewal with a standard licence.

Mr Neville advised that they would come back to the Committee with an implementation date as there was work that needed to be done to put things in place and to tighten up on some of the issues with the comments made by all Members.

BIRMINGHAM CLEAN AIR ZONE UPDATE

The following report of the Acting Service Director of Regulation and Enforcement was submitted:-

(See document No. 7)

Mark Wolstencroft, Operations Manager Environmental Protection introduced the item and drew the Committee's attention to the information in the report.

In response to questions Mr Wolstencroft made the following points: -

- a. In terms of funding, it was not known until they had provided the funding bid whether the Department for Environment, Food and Rural Affairs (Defra) or the Department of Transport (DfT) would fund that element. At present it was trial by error.
- b. They had an idea of what they will support and looking at what their acts were, they were confident that all of them would be supported. The resource side of things was something that needed to come from Birmingham City Council, this Committee and Transportation.
- c. The capital side of things with a bit of extra resources would be definite, but until the business cases was submitted and the panel assessed them, they were unable to give the Committee any further information at this stage.
- d. The scoping study would be the thing that guide on this and he would be able to speak with the Committee on the likelihood of compliance deadline. The draft guidance was pulled together by the five cities and the Local Unit of Government.

- e. The consultation that was taking place in terms of the working between the City Council and the Local Unit of Government would hammer out what the guidance would look like. Once this was completed he would be in a position to say what was circulated. Mr Wolstencroft undertook to circulate to the Committee a copy of the guidance once this was completed.

678

RESOLVED:-

- (i) That this report discharges Minute No. 619(ii) from the Committee of 17 February 2016; and
- (ii) That a further update/progress report be brought to the Committee when the scoping study was completed.

VEHICLE EMISSIONS TESTING PROGRAMME

The following report of the Acting Service Director of Regulation and Enforcement was submitted:-

(See document No. 8)

Mark Wolstencroft, Operations Manager Environmental Protection made introductory comments relating to the report and advised that the report was the summary of the findings of the government's study and was for information and noting.

679

RESOLVED:-

That the report be noted.

PROPOSAL PAPER FOR THE CHARGING OF FOOD HYGIENE RATING REVISITS

The following report of the Acting Service Director of Regulation and Enforcement was submitted:-

(See document No. 9)

Mark Croxford, Head of Environmental Health, made introductory comments relating to the report and advised that there was potential for charging for some of the revisits they do in relation to food hygiene inspections. It was currently identified that these revisits were not the Council's statutory responsibility and they were not required to do these as they were additional inspections that were requested by businesses that had a lower than normal score because they were poor in performing at the time of the initial inspection.

Mr Croxford then drew the Committee's attention to the information in the report and in response to questions made the following statements: -

- i. It was unknown whether the charge for revisit would have an impact on the number of applications.
- ii. They were stretched in their resource which was one reason they had submitted the report to Committee. It was thought that this equates to an officer per annum, but would need to commence monitoring this. If it did control the numbers that were coming in it would be better as they would have more resource for other work they were undertaking.
- iii. It was felt that the charge of £150 was not prohibitive in the cost recovery as there was no profit element. In the report it was identified that they had spoken to the Food Standards Agency (FSA) concerning the issue and that the Committee had written to the Government recently, but it did not appear that there was any willingness to move.
- iv. Meetings were held on a regular basis and this issue had been discussed recently with the FSA who advised that they were considering it.
- v. Nick Lowe, Operations Manager, Food Lead Team advised that the FSA was currently consulting on the introductory mandatory display of the Ratings. It currently existed in Wales and as part of the legislation; it was introduced in Wales as mandatory display and included in that legislation was a charge for revisit.
- vi. At this stage it was unknown whether the English FSA, although consulting on the mandatory display of the rating sticker, whether they would include the charging element. It was hoped that it did as they could revert to using the official charge as this would be easier than using the additional legislation to introduce it.
- vii. They had been successful in working in areas around the City where they were looking at funding to assist businesses to help them achieve a higher score.
- viii. They had looked at other funding sources, but the report was around businesses that were trying to obtain a higher standard, but for one reason or another had achieved a lower standard and they wished to be re-inspected and was less than the wider aspect and working with business to raise their standards. This was about supporting businesses that felt they were adversely affected by the score.

680

RESOLVED:-

That the Committee agreed to the recharging for food hygiene rating revisits on a cost recovery basis.

FOOD LAW ENFORCEMENT PLAN

The following report of the Acting Service Director of Regulation and Enforcement was submitted:-

(See document No. 10)

Nick Lowe, Operations Manager Food introduced the item and drew the Committee's attention to the information in the report.

In response to questions he made the following points: -

1. Any food business or anyone catering as part of a business had to be registered with the local authority. Wherever they were based whether they were using facilities at that base or not, they had to be registered with the local authority.
2. They had a number of large scale caterers who had a base unit and who may have a kitchen associated with that where they were registered and the Council would carry out inspections for catering at other venues. As part of their inspection they look to see what their policies and procedures were in terms of the transport of the food and what their expectations were of the venues.
3. As a guide to any establishment that had a function room that they hire out to people who could bring in catering, that they could make it a condition of hire for any caterer that they wanted to see proof that they were registered with the local authority and they wanted to know what their food hygiene rating was.
4. In terms of outdoor events, they had a standard in Birmingham where no business could trade in an outdoor event unless they could show that they had Food Hygiene Rating 4 or 5. As a private room hire function facility etc., there was no reason why they could not set that criteria.
5. If someone hires their room out as part of the conditions of hire, if they were going to have catering, they had to have a rating of 4 or 5 or whatever standard they decide. This would protect the customers, but it would protect the reputation of the room/people.
6. Quite often if there were outdoor events and the catering went wrong it was the venue that everyone knows not the caterer. They had a reputational risk and this was where they like businesses to use the ratings as well.
7. Mr Lowe noted Councillor Moore's comments in relation to compliance and advised that the 0 – 1 rated was usually about the same figure and that the vast majority were those that were fluctuating. There were a proportion of about 10%, where they were persistent poor performers. With these they go through a stage to proposed enforcement. It may

be that they were given formal warnings or it may be that this was then progressed to statutory notices and then prosecutions.

8. Another problem was that they would go through a process where someone was given a 0 – 1 rating, they would carry out their interventions and go through a process of legal notices and in some cases prosecutions, but even after going through that they go back through the intervening period and standards had dropped again.
9. Apart from starting over again, it was difficult for the officers to have any other response. This was the reason some of the extended project that they do with assisting poor performers in investing more officer time in trying to get a more sustained improvement, this was where the project worked, but as the funding had ceased, they were unable to do this anymore.
10. There were a lot of fluctuation and there were some which they had improved and by the time they came back, they had gone back down again.
11. In terms of those inspections that they did not undertake, the Category E, were mainly low risk premises. They could decide to take them out of the programme, but as they did not have the time to go through that analysis, they were still there as a lump of inspection that was required to be done.
12. They could look at placing a chemist shop that only sells sweets, that would be a Category E, but they could not designate this as any risk. This was a piece of analysis that they had to go through with the 4,305 premises. Hopefully this number would be reduced and those which required an inspection would be reduced. The overdue were that they were unable to do these and they were concentrating on the overdue from A-C.
13. In terms of why they had some overdue from A-C this year, this was due to businesses that were for some reason the officers had visited and they had stated that they were closedown and they did appear that they were closed, but they then got intelligence that they had reopened again. What they then did was to resurrect their rating and dealt with them as an overdue again. He undertook to provide some information in relation to the overdue in the 0 – 1 Category to the Committee.
14. An overdue in Category A was a six monthly inspection and a Category B was 12 months; Category C 18 months; Category D 2 years and a Category E 3 years. Overdue meant that it had gone beyond that time period so a Category A which was seven months old was overdue. Some of the categories that were overdue were more than 3 years beyond their previous visit.
15. The microbiology sampling was provided by Public Health England (PHE). Currently there were five laboratories in York, Preston,

Birmingham, Portadown and London. PHE had closed the Preston and Birmingham laboratories and there would be a transition period and Birmingham was allocated to London.

16. The reason for a drop in sampling was that there would be a period of time whilst this transition was going on and currently they were able to drop their samples off at the laboratory as it was in Birmingham. There will now had to be transport arrangement put in place for their sample to get to London. It was proposed that there will be a Central Hub in Birmingham with a courier service down to London for the samples for the Midlands Region.
17. There will be some disruption to our ability and the PHE ability to carry out the samples this year as a result of the transitional arrangement.
18. PHE services all the local authorities and currently there were transitional arrangements for local authorities to use the Birmingham laboratory and a courier service was already set up. It was geared for the samples to come to Birmingham.
19. As part of the reconfiguration there were closure of one laboratory which had increased the capacities that had to be found at the other laboratories which also involved the potential movement of operatives from one location to another.
20. Inevitably if they had staff working at the Birmingham laboratory that then had to be relocated to the London laboratory, there would be a transition period. It may be that the transition period was minor or that it had minimal impact. At present, they were able to drive their sample to Good Hope Hospital and drop them off; they would not be able to do so in the future. New arrangements would need to be put in place for samples to get to London. It was anticipated that there would be an element of disruption, but the extent of that at this stage was unknown.
21. It was anticipated that if there was a food poisoning incident - an outbreak – there would be some emergence arrangement put in place. The PHE had an extensive courier services for the services that exist in the five laboratories. Birmingham did not avail itself of that as they did not need it at present, but will do when they move to London. If there was an outbreak in Birmingham and there was a lot of samples that needed to be distributed, then working with PHE, they would make arrangements for the courier service to make pickups in Birmingham.
22. There could be a few weeks' transitional arrangements where if there was an emergency during that period the samples would get dealt with. They would not plan to do a lot of their routine sampling during that period so that they could be sympathetic to the fact that the laboratory was moving. Any sampling that they had to do would be dealt with. For any routine sampling exercise survey – they would not plan to do a survey during the period they were moving.

23. Due to their funding restrictions they had to make savings so they were closing two laboratories. Preston laboratory and the Birmingham laboratory was in premises that was not owned by PHE. They were owned by the hospitals, so there were funding cost of the accommodation whereas the other laboratories were PHE facilities. York, Portadown and London were PHE facilities. It was regrettable that the laboratory in Birmingham was closing.
24. In terms of outdoor catering, it was not that they focused on premises of catering, but because they had an element of control over who turns up in Birmingham at an outdoor event, they insist that they had a Food Rating of 4 or 5. They were not investing more resources in them, but what they were saying was that as a local authority, if the event took place in a local authority park or a local authority venue, as part of their commitment they were insisting that caterers that come in were Rated 4 or 5 as they felt that the Council should set the example.
25. In relation to 0 – 1 rated premises, there was a focus on all 0 – 1 rated premises. Any business that got a 0 – 1 rating was subject to further action by officers be it schedule work, revisit or more formal enforcement action. They did not concentrate on venues near schools they concentrated on all premises that got a 0 – 1 rating. They did not give them a 0 – 1 rating. If any business got a 0 – 1 rating they would be subject to further action to bring them up.
26. Once a business got a 0 – 1 rating, they were stuck with that until their next programmed inspection unless they applied for a rescore. They might carry out an enforcement revisit and improve them, but unless they applied for a rescore they would still retain their original score. Everywhere they closed got a rating 0 were not allowed to be open until their standards had been improved, but they still maintained the 0 rating as that was a reflection on how they ran their business and they could not apply for a rescoring until after three months. They carry out further interventions on all businesses that had a 0 – 1 rating.
27. Mr Croxford stated that when a premises is scored a 0 – 1 rating, the officers continue to revisit that premises until it obtained a higher standard. They did not score on their intervention, but on how they had achieved. They could then go back up to a 3, 4 or 5 rating and when they revisit 6 months later they would be scored on their abilities. They were concentrating on those, but could not put more in as these were involved in the statutory programme.
28. In relation to paragraph 4.4 of the report the Food Law Code of practice for categorised premises allowed them to do so for low risk food businesses. One of the main thing that they had done in terms of self-assessment was where they were identified that they were low risk; they were not required for them to carry out an inspection as such. What they were doing was saying that they had them down as a certain type of business and whether anything had changed. With this information they could then decide whether they should carry out any further intervention.

29. It was proposed to carry out 10% of them to be subject to an inspection where there was a self-assessment or a questionnaire that had been returned each year.

30. They had carried out 8 food and water surveys and 16 samples that were unsatisfactory. The 16 samples that were unsatisfactory were food samples not water samples.

681

RESOLVED:-

That the Food Law Enforcement Plan be agreed.

The Chairman proposed that agenda items 19; 20; 22; 23 and 24 be deferred until the next Committee. The Committee agreed the proposal to defer the items.

LICENSING AND PUBLIC PROTECTION – OUTTURN 2015/2016

The following report of the Director of Regulation and Enforcement and Director of Finance was submitted:-

(See document No. 11)

David Jones, Finance Manager, Place introduced the report and advised that this was the final outturn for the 2015/2016 financial year. Cabinet had reviewed and approved the overall outturn at its sitting on the 17 May 2016. He advised that the report extracts the elements that were related to this Committee. It updates the Committee from the provisional outturn report that was presented to the Committee in March 2016. Mr Jones then drew the Committee's attention to the final budget position; the outturn and variations; the savings programme, and the balances and reserves as detailed in the report.

In response to questions from Members, he made the following statements: -

- I. In relation to the Entertainment Licensing Service, they had a ring-fenced balance which was now in debit of £215k. This was a pressure for them going forward.
- II. The funding for Pest Control was ongoing, but how it was funded in 2015/2016 was a one-off item from Corporate Resources as part of the budget consultation process, they also put resources in from 2016/2017 onwards and might be about wording. How it was funded in 2015/2016 was a one-off; how it was funded from 2016/2017 onwards it was built into the budget for that service area.
- III. The financial report for the new financial year 2016/2017 will be submitted at the next Committee meeting and these items would be built into that budget.

- IV. With regard to the Entertainment Licensing Service, there needed to be a review of that service area to develop a more stable position, which include a more detailed review of the different types of licence and the individual balances they had built up – positive or negative.
- V. As part of that they took part in a review by the Local Government Association (LGA) into the cost of delivering Entertainment Licensing. This was with other local authorities as well to take that information to Government as the fees incurred had not been reviewed for over 10 years since that legislation was introduced.
- VI. Chris Neville advised that Mr Jones was referring to a benchmarking exercise that the LGA was undertaking, inviting local authorities to state what their cost were associated with Entertainment Licensing and they participated in that to say what the Council's true cost were and set this against what the fees were that they were allowed to charge.
- VII. This would hopefully allow the Central Government to see the inadequacy of the fee structure for licences under the Licensing Act. In the meantime, they would undertake a based budget with the view of Entertainment Licensing to get to the bottom of exactly where the cost was.
- VIII. They would be coming back to the Committee with that which may then highlight the fact that unless the local authority was willing to make a contribution towards the budget for Entertainment Licensing, they would just continue to build up an increasing debt in that budget.
- IX. Mr Neville noted Councillor Moore's comment and advised that he was referring to a consultation a year or so ago where it was thought the Government was going to proposed to give local authorities to set local fees, but when the final results came out they stated that they would not give local authorities that power.
- X. They had indicated that this would be looked at again, which was the reason there was this LGA benchmarking exercise going on which may lead to something else. Councillor Moore was correct as not many local authorities responded to it, but they were influenced by the licence trade.
- XI. Mr Jones noted Councillor Ali's comments and advised that in terms of pest control service, in the latter part of last year, pest control was expanded to provide additional services and going into the new financial year they had a full year to implement these plus the extra resources they had received in terms of the £1.2m.
- XII. With regard to Coroners and Mortuary there were two additional items for this year - £180k which came through the budget consultation process to meet the increase pressure of the deprivation liberty safeguard changes. This was a one-off payment for 2016/17 only.

- XIII. In addition to that there was £110k which was some extra resources for the Coroner and that will be reflected in the report to be submitted at the next Committee meeting. This was an on-going funding.
- XIV. In terms of the timing, he apologised as they were restricted by the timing of the Committee process. Month 2 was only just completed and the earliest they could bring this to the Committee would be the July Committee sitting. The budget for the year was submitted to the Committee in a report in March 2016, but in terms of how the first two months had gone in expenditure terms this would be submitted at the next Committee meeting.

682

RESOLVED:-

- (i) That the Revenue Outturn overspend of £0.710m (£0.696m relating to Regulatory Services, £0.014m relating to highways Services) as detailed in Appendix 1 be noted. This took into account corporate support of £1.200m for Pest Control and the residual overspend will be funded within the Place Directorate resources;
- (ii) that the delivery of the savings programme for 2015/16 as detailed in Appendix 2 be noted; and
- (iv) that the balances and reserves as detailed in Appendix 3 be noted.

ACTIONS TAKEN BY THE CHIEF OFFICER IN CONSULTATION WITH THE CHAIR OF THE LICENSING AND PUBLIC PROTECTION COMMITTEE DURING APRIL AND MAY 2016

The following report of the Acting Service Director of Regulation and Enforcement was submitted:-

(See document No. 12)

Councillor Moore enquired what actions were taken in relation to the Taxi Marshalls at *SNOBS* concerning the situation had taken place. He further enquired what checks they had to ensure that these 'Taxi Marshalls' were DBS checked.

The Chairman advised that with regard to *SNOBS* the complaint from the individual was 16 months old and it was difficult to gather the information that was needed. Along with the Police they had carried out an investigation with regard to the 'marshalls' and how the Police had handled the situation and she was led to believe that at present, the investigation was still on-going.

Chris Neville advised that the incident at *SNOBS* had been brought to the attention of Licensing recently when it appeared in the press. They then received a letter from the judge that had heard the case. They had coincidentally a few days before carried out an inspection of *SNOBS* on a routine basis and they had also this week, conducted a meeting with *SNOBS* in conjunction with the Police to go through existing processes and policies as there were new people there. The incident that took place happened a while

ago and things had changed. The focus was to ensure that what was happening now was up to standard. They were satisfied now that they were doing as much as they possibly could to ensure that something like that would not happen again. In that particular incident, the individual it was stated had refused to take the help that was offered to her. They were nevertheless, dealing with it in that way.

Some premises used *Taxi Marshalls* that had no legal status and they were carrying out checks with those who were operating illegally as they were putting people into vehicles that was not being booked. If they were simply escorting people to their booked vehicles, this was fine and would not be a problem. The issue arises when they would just grab any customer and put them into any car and send them on their way which was plying for hire. What they were doing was illegal. Officers had been to every premises in the city that they were aware of that were using touts that they were aware of and had issued them with warning letters. They had given them explanatory leaflets explaining what they could do legally and what they could not do. They undertake test purchases to see if what they were doing complied with the law. They had secured the conviction of a tout which would be reported to the Committee where they were caught doing what they should not be doing.

This was an on-going issue that was of concern which they had responded to and tried to deal with it. They had been asked to submit a response to the judge in relation to *SNOBS* by letter which was being prepared and would be submitted shortly.

In response to an enquiry from the Chairman, Mr Neville advised that they had the legitimate Taxi Marshalls and these were the ones on the Hackney Carriage Ranks on Broad Street, South Side by the Hippodrome. They were funded through the Community Safety Partnerships and were employed through the Business Improvement Districts under a contract overseen by Licensing. There were separate premises that employed their own people and were nothing to do with the City Council or the BIDs as they were separate.

Some premises had as a condition of their licence that they had to have a Taxi Marshall. It was uncertain whether they could request that premises had an SIA approved Taxi Marshalls. They could employ someone who had an SIA badge as a Taxi Marshall, but it could only be implemented by a change in the existing conditions of licence which could only be done through a review. They did not need any condition on their licence, but there was nothing to stop them employing some as a Taxi Marshall. However, for an operator to have a Taxi Marshall on the premises the control was whether they were touting and were trying to put people into vehicles that were not being booked. This was the specific offence.

Mr Neville advised that he took on board the comments and would review the situation in the light of what had happened at SNOBS to see if there were anything further they could do to strengthen the situation.

683

RESOLVED:-

That the report be noted.

SCHEDULE OF OUTSTANDING MINUTES

The following schedule of Outstanding Minutes was submitted:-

(See document No. 13)

The Director of Regulation and Enforcement commented on the Outstanding Minutes as follows:-

No. 365 (ii)

A report was to be submitted to the Committee in September 2016.

No. 599 (ii)

A report was to be submitted to the Committee in September 2016.

No. 603

A meeting was held with Finance and Legal Services and the proposal was that this be put to the Magistrates Court to identify the percentage of cost. A report would be submitted in the near future.

No. 614 (iii)

A report was to be submitted to the Committee in September 2016.

No. 617 (ii)

A report was to be submitted to the Committee in July 2016. The report was currently in draft.

No. 618 (ii)

A report was drafted and was currently with Legal Services for a response.

No. 619 (ii)

This was an agenda item on the main agenda and was to be discharged.

No. 620 (iv)

The Working Party had met twice and so far they had not yet identified any real evidence to suggest that there was a requirement for them to change the Sexual Entertainment Venues policy. One further meeting of the Working Party would be had to ascertain whether this was the conclusion that was drawn.

Councillor Kennedy stated that he was of the opinion that they were going to get the Council's opinion. Mr Neville advised that they were initially given

advice that a number of authorities had devised new policy, but when they looked at the policies they could not see that they were any different from Birmingham's policy. They would be speaking with the Barrister that gave them the initial advice to see if they had misunderstood something, but they would follow this up with the first meeting of the Working Group and it may well be that that was the conclusion that there was no evidence to support the need to change the policy.

No. 633

The Committee requested an alternative to the deletion of the post in relation to Animal Welfare and the decision was presented at City Council. They were currently working with Legal Services and Finance to ascertain how they could reverse the decision that was taken at City Council and would hopefully come back to the next Committee with some information.

No. 640 (i)

A report was to be submitted to the Committee in September 2016.

No. 640 (ii)

A report was to be submitted to the Committee in September 2016.

No. 648

A report was to be submitted to the Committee in July 2016.

No. 651 (ii) and No. 651 (iii)

A report was to be submitted to the Committee in September 2016.

684

RESOLVED:-

That Outstanding Minute No. 619 (ii) be discharged and all other Outstanding Minutes be continued.

OTHER URGENT BUSINESS

The Chairman was of the opinion that the following matters could be considered as matters of urgency in view of the need to expedite consideration thereof and instruct officers to act if necessary.

A Biomass

685

It was noted that this issue was to be addressed outside of the Committee

B Dogs

- 686 Mr Croxford undertook to converse with Councillor Clinton and for the issue to be brought back.
-

C Member Training

- 687 In response to an enquiry from Councillor Moore, Sanjeev Bhopal, Committee Lawyer stated that if there were any aspects of Licensing that they could provide him with information so that a generic training could be arranged.

The Chairman stated that this needed to be a build exercise as the new Members did not have the knowledge of how the Committee worked.

Mr Neville advised that for the benefit of the new Members it would cover the basic elements of the Licensing Members role. If there were additional things the Members would like this to be supplemented with this could be arranged.

AUTHORITY TO CHAIRMAN AND OFFICERS

- 688 **RESOLVED:-**

Chairman to move: -

‘In an urgent situation between meetings, The Chair jointly with the relevant Chief Officer has authority to act on behalf of the Committee’.

EXCLUSION OF THE PUBLIC

- 689 That in view of the nature of the business to be transacted which includes exempt information of the category indicated the public be now excluded from the meeting: -

Minutes – Exempt Paragraph

The meeting ended at 1438 hours.

.....
CHAIRMAN

BIRMINGHAM CITY COUNCIL

**REPORT OF THE ACTING DIRECTOR REGULATION AND ENFORCEMENT
TO THE LICENSING AND PUBLIC PROTECTION COMMITTEE**

13 JULY 2016
ALL WARDS

**REPORT ON THE INTRODUCTION OF
COMPULSORY DOG MICROCHIPPING LEGISLATION**

1. Summary
 - 1.1 To advise Committee of The Microchipping of Dogs (England) Regulations 2015 that came into effect on 6th April 2016, which requires all dogs over 8 weeks of age to be microchipped.
 - 1.2 To advise on how the Dog Warden/Enforcement Officers will deal with non-compliance.
2. Recommendation
 - 2.1 That the report be noted.

Contact Officer: Vikki Allwood, Senior Animal Health and Welfare Officer
Telephone: 0121 303 9918
E-mail: vikki.allwood@birmingham.gov.uk

3. Background

3.1 The Microchipping of Dogs (England) Regulations 2015 came into effect on 6th April 2016. It requires all dogs over the age of 8 weeks to be microchipped. A dog is microchipped where:

- a microchip which complies with the regulations has been implanted in the dog; and
- The details of the keeper, as set out in the regulations are recorded on the appropriate database operator.

3.2 There are limited exemptions to the requirements, as follows:

- A veterinary surgeon certifies, on an approved form that a dog should not be microchipped for reasons of the animal's health.
- That the dog is a certified working dog for the purposes of the Animal Welfare Act 2006.

3.3 The regulations are made under the Animal Welfare Act 2006 and are aimed at promoting responsible dog ownership and reducing the numbers of stray and unwanted dogs.

3.4 It costs approximately £15 - £20 to have a dog microchipped by a private veterinary surgeon and £16 for the keeper of a dog to change or update their details on the database.

3.5 In Birmingham, the Dog Warden/Enforcement Officers (DWEO) continues to deal with high numbers of stray dogs. In 2015, some 1,139 stray dogs were seized, of which only 159 were returned directly back to their owners, with the remaining 980 being impounded at the city councils stray dog kennels.

3.6 The table below provides numbers of dogs the seized by the DWEO for the first 3 months of the year and also the number of dogs' microchipped.

Month 2016	Total number of dogs seized	Dogs returned directly to their owners	Number of dogs microchipped	Number of dogs claimed from kennels
January	77	6	21	25
February	85	5	17	28
March	84	8	23	21

4. Enforcement of the Microchipping Regulations

4.1 Enforcement of the new regulations falls to the Police, including community support officers and local authorities. It is unclear if the police are to take an active role in this matter.

- 4.2 There is no statutory requirement to enforce The Microchipping of Dogs (England) Regulations 2015. There are, however, moral and financial benefits in reducing the numbers of stray dogs in Birmingham.
- 4.3 An authorised officer, upon detection of a dog that is not microchipped may, if required serve a notice requiring the keeper to have the dog microchipped within 21 days. Where the keeper of a dog has failed to comply with a notice, this is an offence. Where an offence has been committed the keeper may be prosecuted or the Local Authority may arrange for the dog to be microchipped and recover from the keeper the cost of doing so or the Local Authority may take possession of a dog without the consent of the keeper for the purpose of checking whether it is microchipped or for the purpose of microchipping.
- 4.4 The DWEO do not currently pro-actively look for non-compliance. However, a percentage of the dogs seized as strays are not microchipped. Where dogs are claimed from the contracted stray dog kennels (Birmingham Dogs' Home) most are microchipped as the kennels offer this service free of charge. There are some dog owners, however, who do not give permission for their dogs to be microchipped and the dog remains unchipped. The DWEO also discover dogs that are not microchipped through their routine investigations. In these instances where non-compliance is detected, the DWEO will start a legal process to bring about compliance.
- 4.5 In the first instance DWEO serve a Notice which requires the keeper to have the dog microchipped and/or update their details on the database. Non-compliance of the notice is an offence and will result in legal action and referral to the courts. Offences of this nature carry a maximum penalty of £500.
- 4.6 Currently DWEO will not take possession of dogs, in order to carry out microchipping, due to costs and health and safety implications of taking dogs from their own homes, which can lead to dogs becoming aggressive.
- 4.7 The regulations create an offence for a person to sell any dog or puppy that is not microchipped. All dog breeders, therefore, are required to microchip puppies with the breeders' details before the puppies can be sold.

5. Implications for Resources

- 5.1 Enforcing the new regulations has an impact on the officers within the Animal Welfare Team, in terms of officer time. However, there is potential for future savings, in terms of kenneling costs, as a dog can be returned directly to its owner, through the means of a microchip, rather than impounding it at contracted stray dog kennels. It is not envisaged at this point that this will significantly reduce officer time.
- 5.2 When a dog is returned to its owner, the DWEO recover a charge of £25, which is the statutory fee under the Environmental Protection Act 1990, plus

additional charges as appropriate. These charges resulted in an income of £1,816 being received over the 2015/2016 fiscal year.

6. Implications for Policy Priorities

- 6.1 The issues involved in dealing with stray dogs, are consistent with the City Council's policy priorities associated with helping to create a cleaner, greener, safer city and dealing with anti-social behaviour.

7. Public Sector Equality Duty

- 7.1 No specific issues have been identified.

ACTING DIRECTOR REGULATION AND ENFORCEMENT

Background papers: The Microchipping of Dogs (England) Regulations 2015

BIRMINGHAM CITY COUNCIL

**REPORT OF THE ACTING DIRECTOR OF REGULATION AND ENFORCEMENT
TO THE LICENSING AND PUBLIC PROTECTION COMMITTEE**

13 JULY 2016
ALL WARDS

REGULATION AND ENFORCEMENT
ANNUAL REPORT 2015/2016

1. Summary

- 1.1 The report advises on the work undertaken during the year April 2015 to March 2016 by the Regulation and Enforcement Sections: Environmental Health, Trading Standards, the Register Office, Licensing, the Coroners and Mortuary service and the England Illegal Money Lending Team which report to your Committee.

2. Recommendation

- 2.1 That the report be noted.

Contact Officer: Alison Harwood, Acting Director of Regulation and Enforcement
Telephone: 0121 303 0201
Email: alison.harwood@birmingham.gov.uk

3. Background

3.1 The sections of Regulation and Enforcement that report to your Committee are:

- i. Environmental Health.
- ii. Trading Standards.
- iii. Register Office.
- iv. Licensing.
- v. Coroners and Mortuary Service
- vi. Hosted projects The England Illegal Money Lending Service and the regional Scambusters team.

3.2 Regulation and Enforcement underwent a significant restructure in 2010/2011. During this restructure the delivery of all services was reviewed. The final operating model has continued throughout 2012/2013, 2013/2014 and 2014/2015 to deliver both statutory and other services that fulfil the corporate priorities of Birmingham City Council.

3.3 The Environmental Health section delivers services in the areas of: public health; food safety; health and safety at work; environmental protection; animal welfare; statutory nuisance; drainage; and pest control

3.4 The Trading Standards section delivers consumer protection and business support services in the areas of: consumer advice and assistance; commercial investigations; product safety; underage sales; consumer credit; internet crime; proceeds of crime; metrology; and fair trading.

3.5 The Register Office Service is responsible for the registration of births, marriages and deaths, the legal preliminaries to marriages (other than those in the Church of England), the arranging and conducting of civil marriage ceremonies, the issuing of certified copies of register entries and the legal preliminaries to and registration of civil partnerships.

3.6 The Licensing Service consists of the General Licensing, Hackney Carriage and Private Hire Licensing and Licensing Enforcement teams.

3.7 The Coroners Service and the Public Mortuary provide support staff to the Senior Coroner for Birmingham and Solihull.

3.8 Birmingham City Council Regulation and Enforcement continue to host the National Illegal Money Lending Team for England and also the regional Scambusters team.

3.9 Administrative support, management information and the co-ordination of legal proceedings with the Chief Legal Officer is undertaken by Regulation Support Services and the staff are (where appropriate) designated in accordance with the Corporate Professional Support Services.

- 3.10 The NHS Primary Care Teams was disbanded in April 2013 and the public health role was moved into the Local Authority. Officers continue to deliver significantly to public health outcomes in Birmingham.

4. Devolved Services

- 4.1 Some specific Regulation and Enforcement powers are devolved to the district committees and deal with specific problems directed by Ward Members.

4.2 Environmental Health:

- Enforcement matters for pest control.
- Enforcement of litter control.
- Enforcement relating to fly posting, placarding, graffiti and fly tipping.
- Pest Control Services.
- Power to authorise the picking up of stray dogs.
- Powers and duties under the Highways Act 1980, the Wildlife & Countryside Act 1981.
- Powers under Dogs (Fouling of Land) Act 1996.
- Scavenging in alleyways under Sec. 78 Public Health Act 1936.

4.3 Trading Standards:

- Counterfeiting and intellectual property enforcement.
- Investigation of serious consumer fraud.
- Tackling doorstep crime, including cowboy builders and the creation of No Cold Calling Zones.
- Proceeds of Crime.
- Provision of a legal metrology service.
- Inspection of businesses.
- Provision of advice to businesses.
- Age restricted products enforcement.
- Business support including routine inspections and home authority liaison.
- Enterprise Act enforcement.
- Tobacco Control.
- Alcohol control – duties as a responsible authority under the Licensing Act 2003.
- Product safety.
- Tackling unlawful wheel clamping and private parking enforcement.
- Investigation of cases involving the sale or servicing of motor vehicles.
- Investigation of consumer civil (second tier) and criminal requests for assistance.
- Misleading pricing legislation.
- Mis-described goods and services.
- Weights and measures.

- Nuisance from second hand car dealers.
- Package Tour compliance including Hajj and Umrah.

5. Implications for Resources

5.1 The activities detailed in this report were undertaken within the reduced resources available to your Committee.

5.2 The Illegal Money Lending project for England and the regional Scambusters team are currently fully funded by Central Government by the Department of Business, Innovation and Skills (BIS) through a governance arrangement with the National Trading Standards Board. The budgets for these projects have been reduced and the consequences managed through staff reductions and reduced expenditure. These resources are ring fenced for this specific activity and claimed through an expenditure invoicing procedure.

5.3 There has been a reduction in resources available to deliver services within Environmental Health and Trading Standards over recent years in order to deliver the efficiencies required. The net budgets as detailed in the table below include the centralisation of Central Support Charges, Service Birmingham, Legal Services and Insurance.

Service	£ K 2010/2011	£ K 2011/2012	£ K 2012/2013	£ K 2013/2014	£ K 2014/2015	£ K 2015/2016
Licensing	204	376	490	215	(139)	(874)
Environmental Health	6,337	5,593	5,153	3,836	4,036	3,532
Trading Standards	3,414	3,133	2,857	2,004	1,931	1,593
Register Office	1,167	1,195	1,205	835	741	386
Coroners Mortuary		1,642	1,662	1,460	1,386	1,025
Pest Control	0	0	(67)	(73)	(355)	(1,720)

5.4 This has also resulted in a reduced number of budgeted FTEs within two service areas following the implementation of the Environmental Health and Trading Standards Future Operating Model, this is detailed below:

Service	FTE 2010/2011	FTE 2011/2012	FTE 2012/2013	FTE 2013/2014	FTE 2014/2015	FTE 2015/2016
Environmental Health	122.0	108.0	93.6	91.0	87.6	82.7
Trading Standards	57.7	41.1	35.1	38.8	36.4	33.4

5.5 In addition 2 Environmental Wardens were employed within the Environmental Health Service covering Aston/Nechells and Perry Barr. These posts were funded from the Wards. Due to funding constraints these posts were deleted in 2015/2016

6. Implications for Policy Priorities

- 6.1 The services delivered through your Committee contribute to the Birmingham City Council Business Plan 2016+.
- 6.2 Our aim is to create a sustainable, future-proof model of local public services – focused on supporting the needs of people, partnership working, empowered staff, and community engagement.
- 6.3 Our values are putting residents first; acting courageously; being true to our word, and achieving excellence.
- 6.4 The vision is based on the fundamental ideals of prosperity, fairness and democracy set out in previous years. Within this, there are six key strategic outcomes: a strong economy, safety and opportunity for all children, a great future for young people, thriving local communities, a healthy, happy population and a modern council.

7. Public Sector Equality Duty

- 7.1 The various actions identified in the report were undertaken in accordance with the Regulation and Enforcement's enforcement policies which ensure that equalities issues have been addressed.

8. Consultation

- 8.1 Consultation is undertaken with members of the public, traders and elected members wherever possible to ensure that our services are delivered and tailored to the needs of our customers and stakeholders.

ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

Background papers: Various files and computer records in the Licensing, Environmental Health, Trading Standards and Register Office Services.

ENVIRONMENTAL HEALTH

Background

Environmental Health provides a range of interventions at a local and city wide level with the principle aims of protecting public health and the environment as well as supporting businesses to succeed. The range of services includes food hygiene, health and safety, pest control, infectious disease control, noise nuisance, environmental protection, animal welfare, defective drains, dangerous trees, and environmental crime including fly tipping, littering, and fly posting. Most of our services are statutory i.e. the City Council has a legal obligation to deliver them and they are reported through the Licensing and Public Protection Committee.

All of Environmental Health's services contribute towards the public health agenda helping to protect the health of our residents, with the ultimate aim of reducing inequalities in health.

Officers deliver both reactive and pro-active services, e.g. delivering the food, health and safety and environmental protection inspection programmes as well as providing reactive services responding to requests for assistance from members of the public, elected Members and partner agencies. Our officers are highly skilled and ensure that work is prioritised according to public health risk, the impact on peoples' lives and our statutory responsibilities. There are a wide range of options available to officers to bring about improvements including the provision of education and advice or where necessary, taking proportionate enforcement action.

Officers are also responsible for initiating and managing projects aimed at improving identified problem areas. Proactive projects have been deployed on both a citywide basis focussing on specific topics, and at a local level tackling issues that have been raised through residents, community groups, forums and Ward Committee meetings. Officers are involved at all stages of project working from planning and consultation to co-ordination of partnership working and implementation. These projects have benefited greatly from partnership working with both internal departments and external partnership organisations including; the West Midlands Fire Service, Police and National Health Service. This joint working is in line with the city council's focus on integrated working and has proved efficient, effective and mutually beneficial to all of the participating organisations involved, to businesses, the residents of Birmingham and to the wider public.

Customer Satisfaction with the services has been excellent. More details are contained in the final appendix of the full report; Pest Control's overall satisfaction is 91% and 70% for Environmental Health which is good considering the regulatory nature of the work.

The work undertaken by the Environmental Health Service is précised in the table below and more descriptive detail is given in the following pages:

All Environmental Health and Pest Control Requests for Assistance		
Total Jobs		63,568
	Env Health RFAs total	26,648
	Pest Control RFAs total	15,274
	All Inspection Total	15,148
	Other Jobs not RFAs	6,498
Environmental Health Breakdown		
Waste related enquiries	RFAs	8,928
	Waste Incidents not subject to complaint	1,124
Statutory nuisance	Noise	4,451
	All others	1,351
Animal Welfare	Dog Wardens	4,151
	Animal Welfare (not dogs)	326
Food complaints		3,022
Infectious diseases		1,110
Licensing enquiries		388
Health and Safety	Enquiries	519
	Incidents (Accidents)	610
Unauthorised encampments	On council land	102
Other		1,690
Source of RFAs	Cllr, MP, CX & SD	1,447
	Public	25,201
Pest Control Breakdown		
Rats	Rat in Garden	7036
	Rat in House	4786
	Mice reported as Rat in House	455
Pests other		2,997
Source of RFAs	Cllr, MP, CX & SD	79
	Public	15,195

Environmental Health Inspections Breakdown		
Inspections	Food Inspections	3,087
	Food Standards Inspections	2,674
	Health and Safety	2,716
	No Smoking Compliance	2,749
	Duty of Care	3,711
	Animal Welfare	211

Number of Criminal Prosecutions undertaken by Environmental Health:

CASES FINALISED BY LEGISLATION 2015/16

LEGISLATION	CASES	OFFENCES	FINES	COSTS AWARDED	OTHER PENALTY
Animal Welfare Act 2006	1	1	£120	£350	
Clean Neighbourhoods & Environment Act 1995	2	2	£515	£385	
Dogs on Leads Order 2014	10	12	£1,785	£2,352	
Dogs (Fouling of Land) Act 1996	2	2	£400	£437	
Environmental Protection Act 1990					
Section 33***	26	69	£35,827	£18,533	17mths imprisonment
section 34	2	3	£800	£1,256	12mth conditional discharge
Section 46	2	2	£1,320	£350	
Section 80	2	4	£1,400	£2,499	
Section 87	611	618	£109,599	£97,792	6mth Conditional discharge
Food Hygiene (England) Regulations 2006 ****	30	153	£106,696	£33,016	
Food Labelling Regulations 1996	1	3	£65	£100	
Health Act 2003	1	2	£3,600	£1,800	
Health and Safety at Work etc. Act 1974	2	1	£3,250	£16,179	
Town & Country Planning Act 1990	8	9	£2,185	£1,532	1mth conditional discharge
TOTALS	700	881	£267,562	£176,581	

*** includes 7 Sec 34 offences, 3 licensing act offences

**** includes 1 food labelling offence

Litter Reduction Initiatives

Local authorities are legally required to survey and report levels of litter defacement and to report on the percentage of surveyed sites designated as defaced to unacceptable levels. During the year a programme to support continued reductions in litter levels was run across the city that involved anti-litter and free printed matter distribution scheme compliance patrols. Working with support from West Midlands Police, the patrols were up from 811 to 1,040 litter enforcement patrols with 5,855 Fixed Penalty Notices being issued for littering offences. During the year 602 criminal prosecutions were instigated against persons who committed litter offences and who declined to discharge their liability to prosecution by paying a fixed penalty amount. The average fines and court costs imposed by the court on conviction were £179 plus costs of an average £160.

Over the course of the year 247 consents were issued to permit the distribution of free printed matter in the City's designated control areas. These consent zones continue to be an effective tool in reducing defacement from discarded promotional material.

Street Litter Control

Environmental Health has been promoting the voluntary agreement in relation to fast food take aways and street litter. The programme involves both statutory enforcement and roll out of a Voluntary Agreement for businesses to adopt in order to proactively undertake litter deterrent and clearance activities. Partnership working has been carried out with bodies such as business improvement districts and both small and large businesses. Businesses and local authorities play a vital role in educating the public not to drop litter and setting a good example through existing practice (an example would be where a business organizes their staff to litter pick in the vicinity of the premises on a regular basis). 700 sites were surveyed by Environmental Health which resulted in 42 notices being served and 460 businesses joining up to the Voluntary agreement. This is a well-received initiative and Environmental Health is continuing partnership working with businesses and using enforcement where required. The street litter control – voluntary agreement has been successful in 90 McDonald franchises joining the Voluntary Agreement and a further 40 Subways within Birmingham also joining the voluntary agreement in relation to helping keep the streets litter free.

Waste Enforcement Unit – (Commercial and Household Waste Enforcement)

The waste enforcement unit continues to operate in a challenging area of activity in respect of demand and expectation. The WEU comprises 13 officers drawn from across the services and now partners with the waste prevention team to deliver engagement, education and enforcement.

The WEU continues to undertake enforcement interventions against all waste offences, including problems from fly-tipping, illegal commercial waste practices where businesses have no trade waste contracts and residents advancing household waste, significantly in advance of or after the weekly collection. As well as direct enforcement action the WEU has developed joint working processes with waste management, housing, parks, licensing, trading standards, environmental health and the street scene coordination. During 2015/2016 there were 8,928 requests for assistance to the Unit and wider Environmental Health teams in connection with waste and a further 1,124 related incidents discovered by the Unit where interventions and investigations were carried out. A number of significant cases were concluded during the period, including:

- Operation Priory with two offenders being sent to prison for fly-tipping 42 tonnes of rubbish in Aston, including sheep carcasses that posed a public health risk. Arrest warrants have been issued against a third defendant who fled the country).
- Prosecutions in connection with key issues being targeted by the Unit, including conviction relating to commercial fly-tipping against a multi-national developer and maintenance company (Fines and awarded costs totalling £21,554 imposed) and against a tan & beauty salon for putting out their waste for the Council to collect [at taxpayers' expense] instead of having private trade waste arrangements (Fines and cost totalling £3,459 imposed).

<i>Waste Enforcement Unit investigations and statutory interventions carried out. [Supported by officers from the Environmental Health team]</i>	<i>Number</i>
Informal warnings/advisory notes issued to residents over household waste presentation problems	23,386
Statutory notices issued to residents over household waste presentation offences	2,866
Investigations into trade waste disposal suspected offences & offences	436
Duty of care statutory demand notices issued - (requiring businesses to detail the arrangements for the proper disposal of their trade waste)	325
Duty of care fixed penalty notices issued - (£300 fixed penalty notices where businesses fail to explain how their trade waste is being disposed of)	59
Littering fixed penalty notices issued – (£80 fixed penalties issued for littering offences involving specifically litter caused from business waste or household waste)	140
Prevention of Damage by Pests Act notices issued - (Requiring removal of rubbish that is harbouring or likely to harbour rats)	107
Notifications issued to residents specifying how and when household waste should be presented for collection	326
Notices requiring removal of fly-tipped waste or noxious matter	8
Criminal investigation undertaken	497
Waste offence investigations concluded with enforcement action taken. (Fixed penalty notice issued or recommendation for legal proceedings)	107
Waste offence investigations concluded where no enforcement action was determined legally appropriate or possible	195

Fly Posting and Placarding

With illegal advertising blighting the city, Environmental Health has continued to undertake a range of education and enforcement. 8 prosecutions have been brought in in relation to illegal advertising offences with total fines of £2,185 and costs of £1,532 being awarded and one case seeing a 6 month conditional discharge being imposed. Further criminal proceedings are currently being progressed against individuals and companies in relation to offences that have occurred during the course of the year. In addition to criminal proceedings your Officers have employed a range of civil remedies in order to try and bring about a reduction in illegal advertising. Such action includes charging beneficiaries of the advertisement costs incurred in the removal of their illegal advertisements. A debt of £4,144 is currently being pursued through the Small Claims Court for costs incurred in removing illegal advertising stickers from street furniture. Environmental Health continue to work with Amey under the terms of the City Council's PFI contract and with the Pest Control section. Both remove illegal advertisements and civil debt recovery will be progressed where possible.

We were successful in undertaking a joint review with West Midlands Police of the premises licence for Gatecrasher, Broad Street where the Premises licence was revoked. Specific conditions were imposed on the premises licence for PRYSM who took over the Gatecrasher site which were designed to control illegal advertising.

Safety of Void Commercial Properties

In 2015/2016 Officers continued to work with colleagues from West Midlands Fire Service, West Midlands Police and Acivico on tackling problems associated with void and insecure commercial buildings. During the year, action was taken to investigate and deal with the highest risk buildings that posed an imminent injury to both fire crews and persons who might enter the building (in particular rough sleepers). The work of Building Watch runs in parallel to the City Council's Empty Property Strategy, which targets interventions at void residential buildings.

Domestic Noise Complaints

This section deals with noise problems impacting on residents caused by loud amplified music, intruder alarms, barking dogs, and mechanical noise, from either a domestic, industrial or commercial source.

During 2015/2016 a total of 4,451 noise complaints were received. Many of these were resolved through informal action. Where informal action proves unsuccessful and the noise is continuing, evidence of the noise is gathered from installing noise monitoring equipment into the complainant's property and/or by officers visiting the resident's property to listen to the noise during the day or at night. Environmental Health provides an out of hours service which operates between the hours of 19:00 hours until 01.00 hours Sunday to Thursday and from 20:00 hours until 03:00 hours on Friday and Saturday. This provides an invaluable service to residents to enable evidence of the noise to be gathered at unsociable hours.

87 noise abatement notices were served for noise offences affecting residents and 11 seizures of sound equipment took place following breaches of notices. After 28 days those who pay for the full costs incurred by the city in undertaking the seizure of the noise equipment, have their property returned. In cases where further breaches of notices occurs after seizure i.e. where new or returned equipment is used to create a further problem, criminal proceedings are taken against the offender.

This service continues to be an effective way of preventing noise nuisance, and our actions have a dramatic impact on those members of the community whose lives are impacted by noisy neighbours.

Smoke Free Birmingham

Environmental Health and Trading Standards work closely with other partners to control illicit and counterfeit tobacco products, underage sale and inappropriate use of tobacco in Birmingham, including Shisha and E-cigs. Tobacco control requires an integrated approach with partners because as well as being more cost effective there are other factors that require consideration:

1. Reducing smoking prevalence reduces the harm tobacco has on people's health, with a consequent reduction in health care and economic costs (worklessness) associated with early onset of morbidity and mortality from smoking related diseases. Reducing the availability of tobacco products to young people under the age of 18 contributes to reducing the uptake and subsequent addiction to tobacco.
2. Securing tobacco control has a direct economic benefit to Birmingham which is directly linked to reducing/preventing the impact from counterfeit and non-duty paid tobacco on society.
3. A regulatory focus on responsible smoking and tobacco-use directly supports compliance and tackles unfair competitive advantage within businesses [smoke free] premises, and underpins community safety initiatives relating to reducing crime and increasing safety at venues and on public transport.

The core tobacco control activities that Trading Standards and Environmental Health contribute to are:

- Protecting people from harm (from illicit tobacco; second hand smoke).
- Helping people to quit (smoke free environments and policies; working with stop smoking services).
- Preventing people from starting smoking (underage sales, point of sale displays; smoke free).
- Smoke free workplaces and public places (businesses; services and travel).

Environmental Health has responsibilities for enforcing the smoke free provisions contained in the Health Act 2006. This prohibits smoking in public places that are indoors or publicly shared vehicles or commercial vehicles. To facilitate this during 2015/2016 we continued and implemented a number of targeted interventions which included:

- Working with National Express West Midlands to prevent smoking on public transport buses.
- Proactive inspection of businesses and work vehicles to check compliance with smoke free legislation.
- Education and enforcement exercises involving the smoking of shisha, working extensively within a multi-agency setting.
- Raising awareness of shisha business compliance and public health associated issues with other agencies.
- Working with students from Birmingham City university to research effective harm reduction messages and platforms to inform shisha users
- Maintained partnership working with planning to ensure Environmental Health is a consultee with planning applications with any proposed smoking shelter.

These activities were also supported by Trading Standards around the under-age sales and Health Warnings, and by Her Majesty's Revenues & Customs in relation to

illegal importation of tobacco based products. Planning, Public Health, West Midlands Fire Service and Police Service have also provided support.

Inspections in relation to checking compliance with no-smoking legislation have continued. During 2015/2016 2749 premises were inspected. 13 complaints were received and investigated regarding smoke free non-compliance. In total 64 people received fixed penalty notices for contravening the Health Act 2006, which required payment of the statutory fee of £50 or £30 if paid early. There have been 1 prosecution, relating to businesses not complying with the Smoke free regulations under the Health Act 2006 legislation.

Shisha Premises

Shisha is a sweetened form of tobacco and involves the use of a pipe or hookah which is used to inhale the smoke once it has been passed through water. The list of health effects associated with shisha is similar to those associated with cigarettes. The tobacco used in the pipes or hookahs contain tar and nicotine, and results in exposure to much higher levels of carbon monoxide. The practice of smoking shisha is not in itself illegal. However, businesses are still required to comply with the same smoke free legislation that relates to smoking in any premises where the public have access to.

Compliance and safety of Shisha premises in Birmingham has continued to be a priority. Working collectively with Environmental Health, West Midlands Fire, Police Service and Planning, these agencies form a cohesive working partnership, working with both businesses and residents to increase the safety and compliance of the businesses and increase residents confidence in their neighbourhood.

Last year, joint compliance inspections were undertaken of all known shisha premises within the city. The majority of these inspections have being undertaken with other agencies. Work in this area continues to develop during 2015/2016.

City Centre Project 2015/2016

Following the outcome of the public consultation in 2015 regarding the introduction of a Public Space Protection Order (PSPO), to control amplified noise nuisance from busking and street speaking within Birmingham City Centre, a multi-agency steering group was tasked with reducing the issues associated with the activities from buskers, street speakers, peddlers, planned events, distribution of free literature and street traders within the City Centre. The group included West Midlands Police; Musicians Union; Keep Street Live; Equity; City Centre Management; Prevent team; Street Trading and Markets team and Housing – antisocial behaviour.

The PSPO consultation responses found respondents favoured voluntary agreements that focus on individuals behaviour, rather than area based blanket regulation (which the PSPO proposed), to control noise nuisance and other complaints about buskers and street speakers. Further, respondents wanted the council to demonstrate the need for any future regulation; evidence must be provided that any voluntary scheme to resolve such issues is ineffective.

Voluntary guides have been produced, for public consultation from May 2016, which inform of deemed reasonable behaviours expected for the specific street scene activity within the City. Should these behaviours not be adhered to then this forms the basis for action against individuals under the Community Protection Notice procedure (Anti-Social behaviour, Police and Crime Act 2014).

Pest Control

During 2015/2016, the Pest Control Section continued to offer a range of services to both domestic and commercial customers in the city. In domestic premises we continued to include free treatment for rats. The section also continued to provide free advice on the control of all other pests, a free insect identification service and supplied free poison for the treatment of mice. The latter is available through all Birmingham City Council Neighbourhood Offices. In addition, between May and October the section offered a chargeable service for the treatment of wasps' nests to both domestic and commercial customers.

Commercially the section provided a wide range of competitively priced pest control services which are reported in the City Council's Fees and Charges Policy. The section has treated all pests (except rats at domestic properties) on a chargeable basis to all private non-food businesses and all City Council Departments. We have successfully obtained new contracts and continue to expand our portfolio of chargeable treatments. During 2015/2016 we continued to operate chargeable services for squirrels, ants, bird control and fleas. By far the greatest change has been with the continued expansion of the Land and Property Clearance Service. This has again helped to alleviate budgetary pressures. Officers continue to look for Pest Control opportunities by working closely with internal and external partners.

Furthermore, the section provided specialist support services to the Environmental Health Section and other City Council Departments. These included the clearing of 'filthy and verminous' premises and the disinfection and cleaning of areas which may have become contaminated with bodily fluids.

We continued to provide a sewer baiting service across the city to Seven Trent Water Authority to tackle rat populations in the sewerage systems by undertaking the opening and treatment of inspection chambers across the city in a scheduled program.

Key achievements of the Pest Control section during 2015/2016 include:

- The section has dealt with a total of 15,274 requests for assistance (RFA) from residents of Birmingham. Of these 11,822 were to resolve problems associated with rats either in gardens or within domestic properties.
- Pest Control has continued to liaise and promote our Property Clearance Service to internal and external partners. The role has grown in terms of capability, size of land and size of contracts. Work enquires for clearance work have increased from 363 enquires in 2014 to 721 enquires. Staff

working in this area has increased from 6.5 to 15 full time equivalent officers working 5 days per week.

- The take up of pest control treatments from internal council departments has fallen, however, the Service has received very positive feedback from those contracts which we hold. This has resulted in more opportunities being made available from existing income streams. We continue to advertise and seek opportunities offered outside Birmingham City Council.
- 321 domestic premises were proactively approached to undertake an inspection for the presence of rats. Those premises in hotspot areas which were identified as having rat infestations were treated to eradicate the problem and others were given proofing advice to prevent problems in the future.
- Pest Control secured the contract with Virgin Media to remove graffiti from their cable boxes.
- Working with Environmental Health to remove flyposting/placarding across the City of Birmingham 1500 have been taken down.

As detailed above the proactive pest control visits undertaken this year have been aimed at tackling known rat hotspots throughout the city. The programme continues to raise our profile with residents. Wards targeted include Erdington, South Yardley and Sheldon. Feedback received from many residents continues to be positive and officers have offered treatment where an active rat problem has been found.

Complaints relating to bedbugs have significantly increased. Each job is likely to take two to three times as long to complete as dealing with an average rat in garden job due to what is involved in delivering the treatment. In 2008 we received 249 requests for this service, in 2013/2014 this had increased to 595. Officers are now dealing with 816 requests for assistance in 2014/2015. As we are now charging for bedbugs from April the levels of enquires during 2015/2016 are 358.

Food Safety Inspections

More than 3,080 food hygiene inspections and over 2,670 food standards inspections were carried out during 2015/2016. This represents 87% of the programmed inspections that were planned for the year. Items covered during inspections include hygiene of premises and practices, compositional standards, claims and advertising, traceability, food fraud, sampling and training.

Food Hygiene Rating Scheme

Following the launch of the National Food Hygiene Rating Scheme in November 2012, the scheme has grown in popularity. The new ratings website where hygiene scores for businesses are displayed features over 6,400 Birmingham food businesses. As part of the scheme officers provide window stickers for all businesses in the scheme. The scheme, in addition to providing information to

consumers, is seen as a useful tool to encourage businesses to improve. This is demonstrated by the increasing number of businesses applying for a rescore after making improvements, over 150 made such an application in 2015/2016.

Food Enforcement Action

During 2015/2016, 116 premises were found to present an imminent risk to health and were closed immediately until all necessary works were carried out. This is significantly higher than the average number of closures which are normally carried out in Birmingham. Although this could be considered a large number, compared to the total number of inspections carried out, 3,087, it only represents 3.75% of premises which seriously failed to meet basic hygiene requirements and put their customers at risk.

Throughout 2015/2016, 31 prosecutions were finalised for food hygiene and food labelling related offences, with total fines amounting to £106,761 and costs recovered of over £31,000. In addition 10 businesses received a simple caution.

Primary Authority Partnerships

Officers from the Food Lead Team and Health and Safety Team have been taking steps to improve business compliance through the promotion of the Primary Authority Partnership Scheme, in conjunction with the Better Regulation Delivery Office. Regardless of its size, a business operating across council boundaries can form a Primary Authority Partnership with a single Local Authority in relation to regulatory compliance. By working closely with the business, a Primary Authority can advise on the principles of the food regulations and health and safety regulations to the businesses specific circumstances. This provides robust and assured advice and this advice must be respected by all regulators enabling the business to operate with assurance and confidence. Any activities undertaken by the Local Authority as part of the Primary Authority Partnership are recharged to the business on a cost recovery basis (the scheme does not allow for an element of profit). Partnerships have been signed with:

For food safety and standards matters partnerships have been signed with: Mondelez, Handmade Burger Company, Virgin Trains, Interstate Hotels and Resorts, Valerie Patisserie Holdings, Thai Leisure Group, Black and White and Wing Yip, with further partnerships being developed with Cross Country Trains, Chiltern Trains, and Walter Smith Butchers.

For health, safety and welfare matters partnerships have been signed with: Marks & Spencer, The John Lewis Partnership, Claire's Accessories, Valerie Patisserie Holdings, Philpotts and Gala Bingo.

Sampling

Complimentary to the inspection activity already detailed as part of the City Council's statutory responsibilities we also undertake a range of proactive food related surveys. These include investigations into the microbiological safety of food products as well as composition and labelling to check that food sold in Birmingham is safe to eat and meets the statutory requirements.

As part of this programme, 8 food and water surveys were carried out comprising of 122 samples in total; this is a reduction from the 162 samples taken in the previous year. Of these 122 samples 16 were unsatisfactory. This is a slightly lower failure rate than in previous years which demonstrates the improved targeted and intelligence led programme. All of the issues identified were raised with the companies concerned and their home or primary authorities and follow up action was taken to ensure that problems were rectified and where necessary food products removed from sale.

Infectious Diseases and Food Poisoning

All sporadic cases and outbreaks of gastro-enteritis are investigated. During 2014/2015, 1,109 sporadic cases and 1 outbreak were investigated. Investigations of outbreaks of gastro-intestinal disease includes the promotion of regular hand washing and disinfection of surfaces as well as other controls in order to reduce the spread of infection as quickly as possible. Officers work with the Health Protection Unit to ensure a joined up approach to controlling the spread of gastro-enteritis and food poisoning.

Officers have been dealing with a complex TB case, resulting in the application for an order to detain the individual due to the risk to the population at large.

Outdoor Events

Officers have worked in partnership with the Council's Events Division. An officer was appointed to offer specialist advice concerning food safety at the major outdoor events which took place in the City including the Christmas German Market, the Vaisakhi celebrations and the Carnival. Over 60 inspections were carried out of food premises at the German Market initially to ensure the event was a success. In addition officers visited the markets weekly for the duration of the event, changing the days and hours of visiting, to monitor and ensure continued high standards. The demand in this area of work is hugely increased and for 2015 included the very high profile events in the city such as the Rugby World Cup.

Health and Safety Regulation

The City Council has the responsibility for enforcing health and safety law in approximately 21,000 commercial premises. During 2015/2016 there were 3,845 health and safety related interventions made, these included inspections; dealing with requests for assistance; investigating accidents, incidents and cases of occupational disease; and targeted interventions (project work).

Inspections

During the 2015/2016, 287 premises received proactive inspections. These were undertaken in accordance with the National Local Authority Enforcement Code ('the Code'). Inspections comprised of: high-risk rated businesses sectors; activities identified nationally as high-risk by the Health and Safety Executive; and high risk sectors and activities identified using local intelligence. They included:

- Inspecting 37 warehouses to ensure that risks from falls from height and workplace transport are controlled. This activity was a national priority as defined by the HSE.
- Carrying out interventions at 20 large car sales premises to assess the controls in place to prevent employees and members of the public being struck by moving vehicles. Again this activity was a national priority as defined by the HSE.
- Inspecting half (5) of the cooling towers, in Birmingham, for which the council has enforcement responsibility. The purpose of these inspections is to ensure that the risk from legionella is being controlled.
- Checks of gas appliances and catering equipment identified a number of unsafe catering appliances. Prohibition notices were served to prevent the use of unsafe equipment.
- Further work has been undertaken to carry out inspection of machinery at all food businesses. Prohibition Notices were served where unsafe food machinery was found (e.g. safety guards were missing or not used). As a result of ongoing concerns this work will continue in the forthcoming year.

Requests for Health & Safety Assistance

During 2015/2016 officers responded to 279 requests for assistance concerning working conditions or practices. These included concerns regarding staff welfare and dangerous work practices.

Incident Investigations

There were 610 notifications of accidents, dangerous occurrences and cases of occupational disease reported during 2015/2016. Whilst not all of these required investigation, 89 investigations into serious incidents were either begun or continued during the year. Some of these investigations take a considerable investment of time and have included working with expert witnesses and other regulators.

This year, incident investigations included:

- Investigation of an employee falling 3.5 metres through a sky light.
- Member of the public being seriously injured when a stage collapsed at a bingo hall.
- Electric shock incident where a young child came into contact with live conductors.

- An incident where an employee was seen loading a baler whilst it was in operation.

Enforcement Action

As a result of enforcement activities, 105 Prohibition Notices were served requiring the cessation of dangerous activities. These related to areas such as defective fork lift trucks, dangerous gas appliances, unguarded catering equipment, scalding water in a care home, employees working at height without edge protection and dangerous electrical systems and 11 Improvement Notices were served, requiring improvements in safety standards.

Successful legal proceedings undertaken during 2015/2016 include:

- The owner of a children's nursery pleaded guilty after a child fell 3.8 metres from a first floor window. Luckily the child sustained no serious injuries, however the investigation found that the room had been part of a new extension and for 18 months the owner had failed to ensure that four openable windows had restrictors fitted to prevent falls. The owner closed the nursery following the incident and was sentenced at Crown Court, receiving a fine of £2,500 with costs of £14,000.
- The owner of a shop pleaded guilty after a customer fell 2 metres into the basement whilst works were being carried out to the shop floor. CCTV obtained during the investigation showed that over two days customers entered the shop whilst works were being carried out. The investigation found that the property owner had instructed contractors to carry out the repairs but had failed to ensure that there were suitable measures in place to prevent customers from falling into the basement whilst the shop, operated by his wife traded. The owner was sentenced at Crown Court and ordered to pay a total of £3,004.
- The company that operated a warehouse accepted a Simple Caution, after a large stone slab weighing 340kg fell against an employee during a lifting operation. The investigation found that storage arrangements for some for the stone slabs were not suitable.

Role in National Health and Safety Agenda

Birmingham City Council continues to maintain a prominent role in the national health and safety agenda. On a regional and national level we have been prominent in representing local authorities on groups including:

- We continue to work closely with our Primary Authority Partners and have provided a positive impact through the generation of inspection plans and assured advice to reduce unnecessary inspections.
- Our officers contributed to the Primary Authority Supermarket Group which consists of local authority Primary Authority Partners who work with supermarkets. We have helped to direct consistent assured advice across the sector.

- Two business forums with local businesses to offer assistance and support in dealing with health and safety requirements.

Environmental Protection

During 2015/2016 the Environmental Protection Unit (EPU) worked to safeguard public health and the environment from adverse emissions across all environmental media (land, air, and water), including emissions of noise / vibration and the control of waste. EPU comprises of four disciplines that contribute to this aim: Acoustics, Air Quality, Contaminated Land and Pollution Control.

Acoustics

The development of policy and provision of services to address problems concerning both noise nuisance and environmental noise continued to play an important role in our work during 2015/2016. EPU Acoustics continue to provide expert advice and noise monitoring services to support noise/vibration complaint investigations, planning and licensing consultation issues. The primary work delivered by the service for Environmental Health covered:

Receiving 446 requests for noise monitoring to support noise nuisance complaint investigations (a slight reduction on the previous year) and installing equipment at 364 residential properties across the city. The waiting time for installation of noise monitoring equipment was been maintained at 1 week.

Continuing to provide support to the wider Environmental Health on technically complex noise nuisance cases and noise reports presented in support of planning applications, and also provide support to the Licensing Section with regards to outdoor events.

The provision of advisory support to premises licence holders when setting noise limiters imposed as conditions on premises licences.

In addition EPU Acoustics provided assistance to other Council departments, housing associations and local authorities on a fee paying basis.

During 2015/2016 this assistance brought in an in excess of £11,000, which can be broken down as follows.

EPU Acoustics received requests for noise monitoring from other Council departments (including Housing Anti-Social Behaviour officers and Social Services). In these cases EPU Acoustics install the equipment and provide analysis facilities. The investigating department then determined the appropriate level of enforcement action.

EPU Acoustics continue to offer a similar service to Housing Associations although raising £760 during the past financial year.

An EPU officer continues to provide acoustics support, on a fee-earning basis, to a nearby Local Authority. This support resulted in additional income of £1,345.

Air Quality

The monitoring and improvement of air quality across the City has continued to be an important aspect of the role of the EPU with attention on local and national air quality being focussed by the European Commission commencing infringement proceedings against the UK Government for ongoing breaches of the EU Air Quality Directive. The work carried out during 2015/2016 focused on two pollutants, nitrogen dioxide (NO₂) and particles [(coarse particles (PM₁₀) and fine particles (PM_{2.5})]. In December 2016 the UK government announced that they intend to mandate that Birmingham implements a Clean Air Zone to address exceedances of the Air Quality objective for NO₂ in the City Centre. EPU staff are working with colleagues in the Transportation Department on feasibility studies for the implementation of the Zone.

In order to demonstrate the quality of the air in Birmingham the service maintained the following monitoring network:

- Air quality was continuously monitored at 6 locations across the City with a data capture rate maintained in excess of the Department of the Environment Food and Rural Affairs (Defra) target of 90%.
- Officers from the service undertook non-continuous monitoring of nitrogen dioxide using diffusion tubes at 60 sites around the city, covered by two separate tube surveys; a city wide survey, a bus interchange survey covering the city centre.
- Birmingham continues to contribute to the national polycyclic aromatic hydrocarbon and Black Carbon monitoring networks for which the Council receives payment.

The outputs from the monitoring are used to demonstrate compliance (or otherwise) with legislative limits.

Monitoring of PM₁₀ is undertaken at 2 sites and demonstrates that the City remains below the legally defined objective level. The monitoring of NO₂ levels showed that busy roadside locations and certain parts of the city centre continued to exceed the national annual mean objective level (of 40µg/m³). Although the levels exceed the national standard, they continue to show an encouraging downward trend at some locations.

Contaminated Land

The work carried out by the Contaminated Land Function includes fulfilling the Council's obligations in respect of Part 2A of the Environmental Protection Act 1990. This involves implementation of the Contaminated Land Inspection Strategy, and ensuring that the legacy of historic land contamination is addressed during the regeneration of the City.

- A revised Contaminated Land Inspection Strategy is currently being produced and will be presented to LPPC in due course.
- During the year over 120 site assessments and/or remediation strategies were reviewed. The majority of these related to the redevelopment of brownfield sites.
- 96 formal requests for environmental information were responded to. Approximately 45% of these requests related to house sales. This work is income generating and resulted in revenue of over £8,000.

Pollution Control

The work of the Pollution Control Officers covers the proactive regulation of emissions from industrial processes, the investigation of complaints relating to environmental emissions from industrial and construction sites and licensed entertainment premises in the city centre, and providing consultation responses to both Planning Management and Licensing on environmental matters. Significant achievements in 2015/2016 included:

The emissions produced by 241 industrial and commercial processes were regulated, ranging from petrol stations to the Jaguar car manufacturing plant. During 2015/2016 we conducted 161 inspections and achieved 100% completion of the planned inspection programme.

The prevention of future environmental problems is also an important element of work. During 2015/2016 Planning Management consulted us in relation to the environmental consequences of proposed developments relating to 2,424 requests for comment on specific planning applications. These included major developments which can have significant consequences within the city.

Officers are asked to comment on applications made under the Licensing Act 2003. They assessed 245 licence applications for new Premises Licences or variations of existing licences. Officers also assisted in assessing Temporary Event Notifications. This further assists in preventing future noise problems. Pollution Control Officers were also been involved in the investigation of nuisances arising from industrial premises and from licensed entertainment premises within the city centre and also assisted the Environmental Agency in investigations pertaining to permitted waste installations.

The response to notifications of illegal or unauthorised encampments, principally due to travelling families, is also a function led by this service. In 2015/2016 officers dealt with 62 such encampments on Council land and advised landowners regarding 12 encampments on private land, all in line with the Joint Protocol between the City Council and West Midlands Police.

Low Emissions Towns and Cities Programme

The Low Emissions Towns & Cities Programme (LETCP) was established in 2011 and is governed by a Board comprising all West Midland Authorities¹ which meets bi-monthly. The LETCP is directed by a part-time Co-ordinator employed by Walsall with additional strategic and technical support contracted by Walsall and Birmingham. The objective of the LETCP is to produce and implement a West Midlands Low Emission Strategy (LES) to both encourage low emission vehicle uptake while discouraging the use of high emission vehicles.

The programme is grant funded through Defra and awards have been issued over three years, giving rise to three distinct phases to the project:

Phase 1 (Defra AQ Grant 2010/2011)

The development of a regional Low Emissions Strategy (LES) and Best Practice Guidance on the use of both Planning and Procurement to reduce road transport emissions.

The development of the LES will be underpinned through the findings of a Low Emission Zone (LEZ) Feasibility Study (Phase 2 of the LETCP – see below).

The Best Practice Guidances have both been published whilst the LES has undergone further revision to account for recent developments and is now in the stage of being finalised.

Phase 2 (Defra AQ Grant 2011/2012)

The undertaking of a Technical Feasibility Study into the deployment of Low Emission Zones (LEZs) across a range of scenarios. This has now been completed and three documents published ranging from the initial scoping study through to an health and economic assessment of two key scenarios, one being Birmingham city centre. The TFS has been instrumental in guiding the initial work into the mandated CAZ although the information within the TFS will be superseded as the work around the CAZ develops.

Phase 3 (Defra AQ Grant 2012/2013)

Provide additional support to Phase 1 and Phase 2.

Development of a regional Low Emission Strategy delivery programme, including an implementation plan, to accelerate the uptake of low emission vehicles and provide a road map for the provision of low emission infrastructure, required to facilitate transformation. The programme will be designed to update all West Midland Air Quality Action Plans and form part of the implementation of the 3rd Local Transport Plan.

To date the delivery programme has been held back due to the need to move phases 1 and 2 to completion. Phase 3 is expected to commence in earnest once

¹ Birmingham City Council, Coventry City Council, Dudley Metropolitan Borough Council, Sandwell Borough Council, Solihull Metropolitan Borough Council, Walsall Metropolitan Borough Council, Wolverhampton City Council

the phase 1 strategy documents are published, the direction to be determined by the Project Board and to align with regional needs e.g. those of the Combined Authority.

Animal Welfare

The Animal Welfare Team is responsible for a wide range of inspection and enforcement activities. These involved a variety of pet animal and livestock keepers, including licensed premises such as dog breeders, commercial kennels and catteries, pet shops, horse riding establishments, exotic and dangerous wild animal keepers, people who use and train performing animals, zoos and animal transporters. Significant achievements in 2015/2016 included:

- Fulfilling the service level agreement with the Children, Young People and Families Directorate to effect an assessment of a dog when kept by a prospective adoptive or foster parent, resulted in 77 assessments being carried out and reports being submitted. This resulted in additional income of £5,464.
- A total of 95 licences were issued to animal establishments following inspection and a further 5 performing animal certificates issued.
- Disease restrictions continued to affect the transport of farm animals and a total of 1,619 activities involving inspections and enquiries were recorded on the Defra databases. Some 15 animal transport vehicles were inspected, of which 3 were found to be defective.
- A total of 94 visits were made to the five abattoirs in the city to ensure compliance with animal movement controls and the safe disposal of animal by-product waste.
- The Dog Warden service received 4,151 requests for assistance and advice. A total of 1,067 stray dogs were seized, of which 934 were impounded at kennels and 133 returned directly to their owners. A total of 316 dogs were claimed by owners, which resulted in additional income in respect of claim charges of £6,900. A further £1,841 was recovered by the DWEO, from those dog owners whose dogs were returned to them direct.
- Concerns over the fouling of public areas by dogs resulted in 786 complaints. A total of 80 proactive dog fouling surveillance enforcement exercises were undertaken and 21 Fixed Penalty Notices being issued to owners who failed to clear up after their pets and some 50,000 poop-scoop bags were handed out to dog owners.
- Other initiatives to deal with dog fouling nuisances, involve the use of anti-dog fouling stencils on housing and park land, spraying dog faeces with high visibility paint with associated posters displayed on lamp posts and the use of CCTV cameras and signage. The DWEO also used posters produced by Tidy Britain Tidy, depicting eyes that glow in the dark. Additional computer coding now allows for the recording of dog fouling hot spots and surveillance work can be targeted accordingly.
- The DWEO worked in partnership with housing associations, residents groups, schools, West Midlands Police and other residents groups to promote and support dog fouling initiatives.

Dog Control Orders

The 5 new Orders came into effect on 1 March 2014 and continue to be effective tools in tackling irresponsible dog owners who fail to control and clean up after their pets. The Orders have been implemented by the DWEO through educational and enforcement means. Some 15,000 signs have been affixed to lamp posts across the city and 612 warning letters sent to dog owners. The team have also issued a total of 36 (£80) Fixed Penalty Notices, 21 for dog fouling offences, 11 for dogs that have been seen straying off leads on public road and a further 4 for dogs that were found in childrens' play areas or school land, contrary to the dog exclusion order.

Promoting Responsible Dog Ownership

Promoting responsible dog ownership is seen as essential in reducing the problems associated with the control and care of dogs and also in reducing the numbers of stray and unwanted dogs. In addition to the proactive dog fouling surveillance exercises the DWEO have also participated in a range of local community events. The 15 events undertaken involved action/enforcement days, all out days and free dog micro chipping events and were aimed at raising awareness to dog owners of their legal and social responsibilities. There was an emphasis on promoting dog micro chipping, as compulsory micro chipping for all dogs came into force on 6 April 2016. All events involve partner organisations, including West Midlands Police, Dogs Trust, People's Dispensary for Sick Animals, Park Rangers and Housing Officers. Activities involve educational and enforcement patrols, the issue of discounted dog neutering vouchers and free dog micro chipping.

Animal Related Complaints and Other Activities

The DWEO assisted with 34 eviction and forced entry processes. This assisted the Council's Housing Department, Housing Associations, estate agents, and private landlords. This support resulted in additional income of £3,424.68

Officers continued to receive high numbers of complaints regarding animal cruelty. A total of 321 requests for assistance were received, which mainly concerned the keeping of dogs. Concerns related to living conditions, abandonment, lack of veterinary treatment or malnourishment. As a result of these enquires, one person was convicted of 2 offences of animal cruelty.

The DWEO continued to be part of the 'dogs at risk' scheme sponsored by the Dogs Trust. The scheme aims to reduce the numbers of unwanted puppies being produced by the distribution of discounted dog neutering vouchers. The team were able to obtain further vouchers and a total of 70 such vouchers were issued.

Importation of Animals

The importation of dogs and puppies continues to be an issue of concern. Officers investigated 8 enquiries regarding dogs illegally imported into the UK. Three puppies were found to fail the import rules and were, therefore, seized and placed into quarantine kennels as required by legislation. All expenses incurred being paid by the dogs' owners. A further enquiry involved the sale of 3 puppies from premises in Birmingham. The puppies had been illegally imported from Romania and sold to residents in neighbouring authorities. After obtaining the relevant details, the

neighbouring authorities were contacted and the matters referred, all 3 puppies were subsequently seized and quarantined. The seller was issued with a caution, but was not found to be responsible for the illegal importation.

Officers also investigated 15 reports of commercially imported dogs, which had been referred by Defra. The necessary additional requirements for commercially imported dogs were found to be in place.

Other enquires dealt with by officers; include a venomous scorpion, thought to have been imported into the UK with a fruit and vegetable delivery and a Gecko which came in with a delivery of spectacle frames from Thailand. Both animals suitably located – scorpion required Dangerous Wild Animal Act licenced premises.

TRADING STANDARDS

Trading Standards offer a wide variety of services to the public and to traders as detailed below.

Age Restricted Products

The prevention of the supply of age restricted products to minors remains a key priority for both the Licencing and Public Protection Committee and the Trading Standards Service. This area of work was undertaken by the Specialist Services Team who conduct advice visits to retailers, undertake test purchase exercises with the assistance of young volunteers and where necessary, take enforcement action against those who fail to comply with their legal responsibilities. Four officers from the team have been dedicated as leads for the four Local Policing Units and liaise closely with partners such as the police and fire service to tackle complaints of anti-social behaviour where it is suspected that the supply of age restricted products is a factor.

Last year a total of 22 complaints were received for the whole range of age restricted products. This shows a reduction of 52% overall on last year's figure of 42. All premises where complaints have been made are visited by officers and advised on the law. A follow up test purchase is done as soon as reasonably practicable.

Last year 123 advisory visits were carried out at premises across the city; many of these were joint visits with the Police as part of a number of initiatives and operations. The visits included those premises that had applied for a Premises Licence to sell alcohol.

We are working hard with partners to raise the profile of this issue to ensure that we receive complaints. We suspect that there may be under-reporting in this area; or it could be that young people have stopped using traditional tobacco and moved to E-cigarettes which may not generate many complaints from the public.

We have not had any complaints in relation to proxy purchases of age restricted products.

Alcohol

5 complaints were received relating to the alleged sale of alcohol to minors. All premises that were subject to a complaint received a visit from an Officer to give them a notice and information pack reminding them of their legal obligations.

5 test purchases of alcohol were attempted; these resulted in no sales to our volunteers.

Overall complaints were down on last year (16) and the number of sales to our volunteers was zero. This is an excellent result and demonstrates that the advice and interventions made by officers is having an impact. The team focus on those premises where complaints have been received to ensure that our work is intelligence led.

Tobacco

Trading Standards received 15 Requests for Assistance relating to the alleged sale of tobacco to minors last year; this too is a reduction on last year's figure of 20. 10 test purchases of tobacco were attempted using an underage volunteer; no sales were made, which again is an excellent outcome.

Tobacco Display Ban

Since 6 April 2015, under The Tobacco Advertising and Promotion (Display) (England) Regulations 2010 / The Tobacco Advertising and Promotion (Display of Prices) (England) Regulations 2010 all tobacco must be removed from permanent display. It is now illegal for all retailers to openly display tobacco products and they must follow strict guidance on how their prices are displayed. This is to prevent access to tobacco products by those under eighteen.

The Service participated in a regional survey and visited 15 premises to check for compliance. 13 premises were fully compliant with display and pricing requirements met, only 2 required advice on how to be compliant.

Fireworks

The number of specialist premises selling fireworks continues to decline as most fireworks are now generally sold through supermarkets. Trading Standards do not register premises; this is done by West Midlands Fire Service (WMFS). We liaise with them to ensure that all registered premises are sent an advisory pack; this year WMFS sent copies of the required Statutory Warning Notice with all licences. The advisory pack sent by Trading Standards includes information on how to prevent sales to under eighteens, how to store fireworks and information on safety standards. We also engage with the police to ensure that they have a point of contact should any issues arise.

Only 5 complaints /enquires were received during the 'Firework Season'. One was completely spurious, one was referred to WMFS and two resulted in inspections at premise after complaints about underage sales, however, it is thought that these were totally unjustified as the premises were well run and fully compliant. One complaint related to a minor labelling fault which was dealt with by a neighbouring local authority.

Knives

This year there was 1 complaint received regarding an alleged knife sale to under 18's. This resulted in an advisory visit as there was no evidence that a sale had taken place. Officers have also engaged with Police colleagues in Birmingham North and carried out joint exercises together.

Other Age Restricted Products and Services

On 1 October 2015 The Nicotine Inhaling Products (Age of Sale and Proxy Purchasing) Regulations 2015 came into force. This legislation was made under the

Children and Families Act 2014 and prohibited the sale of such products to under eighteens. It also makes it an offence for someone to purchase such products for someone under 18. There are exemptions for products classified and supplied as medicines as a cessation device. These products are popularly known as e-cigarettes although they can come in many different shapes.

Trading Standards received 3 complaints about under eighteens having access to Nicotine Inhaling Products; but this was prior to the law coming into force. These would have been followed up by advice where appropriate.

The Service participated in a regional survey and sent advisory letters to premises that were potential sellers of such products. Following on from that officers visited 12 premises with underage volunteers and test purchases were attempted. There was 1 sale made which resulted in an officer warning on this occasion.

Car Crime – Vehicle Misdescription

Buying a vehicle remains one of the single most expensive purchases a consumer will make (apart from property). Unfortunately it is common for unscrupulous traders to mislead consumers when describing vehicles in advertisements. Consumers are entitled to know 'material information' regarding a vehicle's condition and history before making a decision to buy. They need to be assured that the vehicle is correctly described and most importantly safe. Trading Standards have a crucial role in identifying vehicles which may have been mis-described. The Trading Standards Service advises businesses on how they can ensure they meet their obligations when selling vehicles. Trading Standards will also investigate incidents where vehicles have been mis-described.

Successful outcomes:

1. Neil Gaffney of Kings Norton pleaded guilty to advertising a vehicle for sale on EBay and Gumtree. He omitted to mention that he worked in the motor trade, creating the false impression that he was a consumer selling the vehicle.

The vehicle was subsequently examined and found to be in an unroadworthy condition. This resulted in a prosecution; he pleaded guilty in Birmingham Crown Court for offences under the Road Traffic Act 1988 and the Consumer Protection from Unfair Trading Regulations 2008 and was sentenced to five months imprisonment. The court also ordered Mr Gaffney to pay compensation of £2,810 to the customer who bought the vehicle.

2. Sajid Ramzan, who ran A45 Motor Centre, based on the Coventry Road in Yardley, was found guilty in his absence of five offences under the Consumer Protection from Unfair Trading Regulations 2008. He was fined £5,000 and ordered to pay court costs of £6,503 plus a £120 victim surcharge. The car was also subject of a forfeiture order.

The case was brought after officers carried out a forecourt inspection on 11 June 2014 and found that an Italian replica Ferrari F335 GTS on sale had travelled

183,000 miles; 100,000 more than was displayed. The vehicle was also an undisclosed Category C insurance write off.

Further checks also revealed the red car was originally yellow, only had a 2000cc engine capacity rather than the advertised 3.5l, and was dangerous and unroadworthy; it had been advertised as being in 'excellent condition'.

Officers returned to A45 Motor Centre on 13 June 2014 to seize the fake Ferrari. The defendant could have made simple checks to verify the true mileage and its write-off status. A full examination of the vehicle before sale would have also alerted him to the fact the car was dangerous and should never have been sold.

The decision was upheld despite an appeal by Mr Ramzan who was ordered to pay a further £1,000 costs.

Officers have also carried out other investigations and issued advice and warnings where appropriate. These interventions have resulted in consumers getting redress of £16,653 and £1,200 from traders in relation to cars supplied that were not as described.

Clocked Cars

Vehicles are commonly mis-described in relation to their mileage readings. Traders will falsify mileages by altering the odometer reading; this is known as "clocking". This is done in order to make the vehicle more appealing to a prospective purchaser and hence add financial value on the sale. Thus the seller makes a financial gain by altering the history.

Altering the history or description of a vehicle is a criminal offence under the Consumer Protection from Unfair Trading Regulations 2008 and can also be an offence under the Fraud Act 2006. Car clocking is a wide-spread fraud which often involves numerous individuals conspiring together in a gang. They often use internet selling sites to reach buyers all over the country. The ease of setting up on-line accounts allows the rogue seller to hide their own identity and use false accounts to cover up their tracks.

Car clocking is a serious criminal activity that can affect anyone who purchases a used car. When purchasing used vehicles mileage is a major selling point. Where consumers unknowingly purchase a vehicle that has been clocked not only are they purchasing a vehicle that has been misrepresented they are also more often than not purchasing a vehicle that can have major mechanical problems that lead to expensive repair bills in the future.

In 2014 Birmingham Trading Standards had successfully prosecuted 4 offenders who had worked together to alter the mileages of over 50 vehicles. They were sentenced on 17 July 2015 for conspiracy to defraud members of the public by selling clocked cars. This was a lengthy and complicated investigation. The defendants were finally sentenced in Birmingham Crown Court for offences under the Fraud Act 2006:

- Abid Hussain - 61 months immediate custody.

- Nadeem Abid - 56 months immediate custody.
- Waseem Abid - 18 months immediate custody.
- Shahid Mahmood - 18 months immediate custody.
- Rashid Mahmood – 66 months immediate custody.

It is thought that over 255 cars had been clocked by the conspiracy between 2007 and 2011 with over 50 cars forming the main crux of the case. Most of the vehicles had been sourced at auction with high mileages and then subsequently clocked with some losing over 100,000 miles.

Our accredited financial investigators are continuing to pursue asset recovery for their criminality under the Proceeds of Crime Act 2002.

Consumer advice and assistance

The Service no longer provides general consumer advice.

Members of the public requiring consumer advice are referred to the Citizens Advice Consumer Service (CACS).

CACS provide consumers with advice about their rights and what actions are open to them to resolve their civil disputes.

Referrals will be made to our Service by the CACS where it is considered that there is a criminal element to the complaint or where the consumer is considered vulnerable.

A total of 4,762 requests for assistance were received by the service last year.

Counterfeiting - Intellectual Property Theft

Trading Standards work hard to combat the manufacture, sale and supply of counterfeit consumer goods. Counterfeiting is harmful to the economy and national research indicates that UK manufacturing loses £11 billion a year as a result of counterfeit products.

Tackling the sale of counterfeit goods provides a level playing field for Birmingham businesses which in turn supports local jobs and improves the local economy.

Throughout the year, 318 complaints have been investigated in relation to various household products, including: electrical goods, clothing, DVDs, alcohol, tobacco, and cosmetics. Priority has been given to goods which may have an impact on consumer safety, in particular electrical goods, tobacco and alcohol.

A number of proactive enforcement operations have been conducted using a tobacco sniffer dog to search for counterfeit tobacco. These visits have been combined with intelligence led visits to alleged sellers of counterfeit alcohol.

A total of 8,610 items have been seized suspected of being counterfeit with a street value of £70,144. Goods have been seized from street sellers, retailers and wholesalers.

Out of the complaints made 46 related solely to Intellectual Property crime on the internet.

One large scale investigation ran a three week trial in the crown court. The end result was a hung jury. Around £100K worth of motoring memorabilia was seized which had been sold on the internet and was deemed to breach the Trade Marks Act in that they were infringing copies. Despite the outcome of the trial the judge has awarded forfeiture of the goods saying that in her opinion they were indeed infringing goods and should be destroyed.

The service has seen a large increase in online sellers utilising Facebook to sell illicit products. We took part in two nationwide projects coordinated by the National E-Crime Unit; aimed at reducing on line sales of counterfeit goods, these were known as Operation Jasper 1 & 2. We contacted over 20 Facebook sellers issuing cease and desist letters. These are warning letters advising on the law and asking them to stop the activity to bring them into compliance. One investigation is ongoing.

In another case, following a complaint officers visited the premises of Phonetec Ltd trading as Akees in Kingstanding. Around 1800 items were suspected to be counterfeit which equated to around 90% of the stock; it was seized and subsequently examined and proved to be counterfeit. The owner, Mohammed Akhtar Musejee, pleaded guilty to 19 offences under the Trade Marks Act 1994 and received an eight-week suspended prison sentence for his involvement in the crime.

In addition to this, confiscation proceedings under The Proceeds of Crime Act 2002 have now been concluded and he was ordered to pay £100,000.

There are a number of cases under investigation and other matters going through the court process awaiting final sentencing.

Product Safety

Trading Standards enforce the provisions of the Consumer Protection Act and the General Product Safety Regulations aimed at ensuring all consumer products are safe to use.

The Trading Standards Service received 313 safety related enquiries over the year; these included toys, cosmetics and other household goods. The highest number of complaints related to electrical goods.

Furniture

Upholstered furniture in the UK must comply with the provisions of the Furniture and Furnishings (Fire) (Safety) Regulations 1988. These require that the fabric and fillings conform to specified British Standards covering flammability.

In the previous year products were purchased and tested for compliance. As a consequence some items were suspended or seized with follow up exercises

undertaken this year to 3 retailers. Cautions were subsequently issued for labelling issues.

Sun Bed Safety

The Service continued to test sunbeds at premises in Birmingham for UV irradiance. The European standard **BS EN 60335-2-27:2013** specifies particular requirements for appliances for skin exposure to ultraviolet and infrared radiation. The standard makes reference to safe limits for UV irradiance as a limit of 0.3 W/m².

Offering sunbed services is deemed to be a supply of a product under the General Product Safety Regulations 2005 (GPSR), and as such the product should be safe. It is an offence under the Regulations to supply a dangerous product, namely one that is one that is not a safe product.

42 inspections were carried out between 2014 and 2016 across Birmingham. 19 premises were found to have equipment that wasn't compliant. Between 2014 and 2016 a total of 132 sunbeds were tested. Combinations of vertical and horizontal sunbeds were included in the tests. The premises that failed were instructed to bring them into compliance. These premises were then revisited and sunbeds retested to ensure that they were within safe UV levels.

Cosmetics

In recent years Birmingham Trading Standards has discovered non-compliant cosmetics in particular for the Asian and Afro Caribbean market. The following is an example of a case concluded in court following investigations carried out in the previous year.

Rehan Birmingham UK Limited based at Green Lane was visited and found to have a product known as Surma on the counter for sale. In addition to this the premises also had for sale a number of Apple Style chargers; these were suspected not to comply with the Electrical Equipment (Safety) Regulations 1994. Several cosmetic products including Asli Mehak Dulhana Henna, MR (Black Eye Powder), Olivia Crème Bleach and a number of others were identified that did not comply with the labelling requirements of the Cosmetic Products (Safety) Regulations 2008.

Upon testing products were found to contain mercury which is prohibited for use in cosmetic products. KalaKola 45 Oriental Black hair colour contained Di Amino Toluene Sulphate which is also a compound that is prohibited in cosmetic products.

On 6th August 2015 Rehan Birmingham UK Ltd & Fozia Ali pleaded guilty and were fined a total of £9,200.

In another case, Maaz Supermarket Ltd, pleaded guilty to 9 offences concerning non-compliant cosmetics such as Kala Kola Hair tonic which contained lead and Stillman's Freckle Cream which contained mercury. Officers had seized more than 300 items, including cosmetic products which were not labelled properly or contained banned ingredients. Samples of several seized products were tested at the council's laboratories and results showed Stillman's Skin Bleach Cream contained mercury

(2.5 per cent) while KalaKola Hair Tonic contained levels of lead (one per cent). Both mercury and lead are prohibited for use in cosmetics as they are very toxic.

Fines of £250 were imposed on 7 matters and £350 on each of the aggravated matters (products found to contain lead and mercury). Full costs in the sum of £3,686.55 were also awarded and forfeiture and destruction was granted for all seized items.

A number of other cases where non-compliant cosmetics were discovered are still subject to further investigation.

Electrical Goods

Concern remains about the importation of cheap electrical products such as phone chargers, adaptors and other mobile phone accessories. These are prevalent on the internet however consumers are unaware that they are often counterfeit and unsafe.

An issue for Trading Standards nationally has been the use of fulfilment houses where goods are purchased online with payment being made to far eastern countries but the goods are then distributed via a local storage and distribution firm.

A Birmingham Fulfilment House was ordered to pay £9,821 after pleading guilty to three offences under the General Product Safety Regulations 2005 (GPSR's) at Birmingham Magistrates Court on 17 March 2016. This case was brought against the company and possibly being the first case of its kind by using the provisions set out in the GPSR's as opposed to the Electrical Equipment (Safety) regulations 1994, thus removing the requirement to prove "SUPPLY".

Yi Li, principal director of Newemoo Ltd, which trades from 2-4 Benacre Drive, in Digbeth, also pleaded guilty to three offences relating to the safety of electrical goods distributed by the company for online electrical retailers based in the Far East. Both Li and Newemoo Ltd were fined £2,250 each and ordered to pay £5,171 in costs, plus a £75 victim surcharge each.

The case was brought following a referral from Hampshire County Council, after a test purchase of an X6 Cubot smart phone kit on 21 August 2014. Independent safety tests revealed the phone charger posed a serious risk of fire and electrical shock.

Officers subsequently visited the firm's warehouse, where they found a quantity of similar Cubot phone kits from the same manufacturer in China and other similar items. Three phone kits were taken for examination and testing; one of which failed the safety test on marking and instructions, and notably posed a serious risk of fire and electric shock.

Second Hand Electrical Goods

As part of a regional trading standards project, 10 shops supplying second hand electrical goods were visited. These were typically charity shops. Also present was an electrician who carried out basic safety screen testing of some of the products found for sale. A few issues such as faulty plugs were found and advice given. All those visited welcomed the advice from officers and readily cooperated in removing

any unsafe items and were given further advice on ensuring goods supplied are safe.

Hover boards/balance boards Safety

In late 2015 Hover boards were being imported into the country in vast quantities by numerous importers. However, Port Authorities such as Suffolk Trading Standards became increasingly concerned about their safety following several reported incidences where they had over-heated or had been alleged to cause fires.

Sampling identified that some had poor quality plugs and chargers. A further, and perhaps more serious issue identified later with some of the boards was that the battery and cut off switch within the board itself continued charging even when the battery was fully charged, causing overheating, which had in some instances resulted in fire.

The Port Authorities were being overwhelmed with the quantity of hover boards being imported. Consequently consignments were being released with the relevant Trading Standards Service notified and left to take appropriate action.

Over the December to January period Birmingham Trading Standards received a number of such notifications. As a result the importers were visited and where required safety documentation could not be produced, suspension notices were issued. In all 9 suspension notices were issued covering 1,766 hover boards.

Officers have been working with businesses to ensure steps are carried out to bring the boards into compliance; where this has not yet been achieved the suspension prohibiting their supply remains in place.

New Psychoactive Substances

These are also known as 'legal highs'. Officers in Birmingham have been proactive over a number of years in tackling this issue. We have engaged with medical professionals, public health and police in ensuring that these products are not sold. The use of such products has caused serious health issues and the work we do will help prevent harm.

New legislation was due to come into force in April 2016 (now in force as of 26 May 2016). In the run up to this officers took part in a police led day of action across the region in January 2016.

70 shops were visited in all towns and cities in the West Midlands. In Birmingham letters were given to 14 retailers selling new psychoactive substances (NPS), warning them of their potentially lethal consequences. All of those we visited said that they would stop selling products once the legislation was in force.

This exercise generated a lot of publicity and an interview was given to Big Centre TV. In addition officers were asked to present at a Night Time Economy conference on the issues around alcohol and psychoactive substances.

Further joint work is planned with the police once the legislation is in force to ensure compliance.

National Consumer Week

This year's theme focused on and promoted the campaign '**Know your New Rights**' to raise consumer awareness on the new Consumer Rights Act: an extensive piece of legislation that came into force on 1 October 2015. The aim was to make it clear to businesses and consumers what protection customers have when they buy goods in stores or online which are later found to be faulty or misdescribed.

Birmingham Trading Standards held 11 events over the week in Birmingham. We set up stands in Libraries, Community Centre's, Bingo Halls and Leisure Centre's. Information packs were given out containing information from the Chartered Trading Standards Institute, Citizens Advice Bureau about the Consumer Rights Act 2005 and general consumer advice.

The events were well received and gave officers the opportunity to interact with consumers. The outcome of these events is that consumers are more aware of their enhanced rights under the new Act which will lead to greater confidence when buying goods and service. Across all events, 36 Questionnaires were filled out.

When buying goods or services in Birmingham 83.9% of those asked were confident that they would receive the goods/services that they asked for at the price advertised and in the correct quantity.

Rogue Traders - Doorstep Selling/rogue builders

Although it is not illegal to sell goods at the doorstep there are rules that traders must follow when trading in this way; such as informing consumers that they will have a right to cancel within a set time period.

Unfortunately the service continues to receive complaints about potential rogue traders cold calling residents. Typical complaints concern individuals who visit consumers' homes uninvited and attempt to encourage the householder to purchase their goods or services. Quite often, the visits involve high-pressure sales techniques and result in the consumer signing up to a contract for over-priced goods or the provision of poor quality workmanship.

Victims of such practices are mostly elderly or vulnerable people and intelligence work around the offenders has demonstrated that they are often linked to other similar types of crime such as distraction burglary.

The investigation of these matters is, in the main, seriously hampered because there is very little information that victims are able to offer officers to investigate the crime. These cases take time to investigate thoroughly and there are many ongoing investigations which require closer working with other law enforcement agencies. Many rogue traders are linked to organised crime groups and we are ensuring that all intelligence is shared to help build a clear picture of wider criminality.

We have collaborated more with the police this year who have been looking at organised crime groups. We attend regular meetings and share intelligence.

In one case the police had a successful case against known rogue builders. Ronald Reeves and Robert Bennett were given prison sentences of 5 years and 8 1/2 years respectively. This case involved 5 victims and we were able to provide information to the police to help their case succeed.

Cowboy Builder Conviction

This case involved a builder who was not a typical rogue builder procuring business on the doorstep. Christopher Abbotts, from Great Barr, pleaded guilty to six offences under the Fraud Act 2006, for poor quality and unfinished construction work and was sentenced to 32 weeks imprisonment suspended for 2 years plus a requirement of 180 hours unpaid work. Abbotts was ordered to pay a contribution towards the prosecution costs in the sum of £1,500 which were to be paid within 12 months. He was also ordered to pay further compensation of £500 to one of the victims.

The case was brought after Officers received a number of complaints from customers who were left out of pocket; many of whom had to pay a new contractor to rectify Abbotts' sub-standard work and complete his unfinished jobs.

Abbotts pleaded guilty to making dishonest representations and not completing building work as agreed at properties in Great Barr; Erdington and Bargain Computers, in Bordesley Green.

Customers were asked to pay cash in advance for works and Abbotts told them the relevant materials had been ordered and were due for delivery. In each of these cases, the materials were not delivered and building works were sub-standard or unfinished.

Abbotts also lied to the victims saying that he was due to start a six-month Ministry of Defence contract at Lichfield Barracks, implying he was capable of carrying out the work; but this was not the case.

Other cases are currently awaiting legal proceedings.

No Rogue Trader Day 2015

This is a national event run under the umbrella of Operation Liberal to target rogue traders and distraction burglary. This year we worked alongside West Midlands Police and the Land Registry.

Data was reviewed to identify where most complaints about rogue traders had been received in each LPU; these were called our 'hotspot' areas. In those areas officers visited 29 banks and 17 doctors' surgeries. Areas visited included Sutton Vesey, Sutton Four Oak, Weoley Castle, Selly Oak, Hodgehill, Lozells and Perry Barr.

Officers advised banks that it had been identified as a hot spot area and asked employees to be more vigilant when handing over large sums of money to older

customers and to keep an eye out for unusual transactions. The banks already had some systems in place to identify these issues and act accordingly but they welcomed the advice from officers which would also enable them to have a point of contact in trading standards to report matters of concern.

During one of the visits to a bank we received a request for rapid response, where an elderly lady had tried to withdraw £2000 from the bank to pay some builders for doing some ridge tiles. This was referred from one of the banks we visited which demonstrates that our visit was worthwhile in raising awareness.

Officers asked doctors to display leaflets and posters in waiting rooms for patients to read. Doctors were also advised that there is often a correlation between someone being a victim of such crime and deterioration in their health. By engaging with doctors it is hoped that victims can have a better support mechanism to avoid ill health.

It was also decided to offer further reassurance to previous victims by revisiting them; in total we revisited 7 victims who had been subject to a Doorstep Crime incident. We were accompanied by colleagues from the Land Registry who wanted to raise the issue of Property Fraud; houses where mortgages are paid for are most vulnerable to be subject to that type of fraud. We were also able to reiterate advice to ensure they say 'no' to people knocking the door offering building services.

Victims were visited in Sutton Coldfield, Sutton Vesey and Sutton Four Oaks; Edgbaston, Harborne and Bartley Green and Yardley, Acocks Green.

Officers also worked alongside the police who targeted vehicles on the road that looked like they were engaged in building works; they stopped vehicles and checked insurance and driver details. As a consequence 5 vans and cars were seized. At the same time traders were given business advice to ensure future compliance.

A press release went out, and the Sutton Coldfield Local paper released an article on the work we carried out.

We also continue to refer citizens to Noroguetradershere.com for help when seeking good tradespeople

Rogue Traders - Rapid Response

Trading Standards have continued to provide a rapid response service for consumers who are being targeted by rogue traders. This was initially provided for residents within the nominated No Cold Calling Zones; however we will respond to all citizens who are in need of a quick response.

A dedicated telephone number has been made available and Officers will respond immediately to assist consumers in dealing with the problem trader; 9 such responses have been conducted by the service this year, this is a reduction compared to last year's figures.

This decrease could be seen as a positive indicator that by raising awareness to vulnerable and elderly consumers that they are less likely to engage with traders on the doorstep. The Police are also more aware that building complaints are not just a civil matter and are starting to deal with these matters as fraud themselves.

During these responses officers also use the opportunity to assess a householder's vulnerability to further bogus caller visits. Officers will provide practical advice on how to prevent such problems arising again and will supply the consumer with warning stickers and notices to deter any rogue traders from calling at their premises in the future. Officers will also gain information from any business cards that may be left or flyers and this is shared with the trading standards community. This helps build an intelligence picture to enable appropriate targeting of resources. It is known traders work together and they are becoming serious organised crime groups. Intelligence logs are now a priority and the numbers of logs have increased throughout the year.

Twice a year a number of victims are now re-visited in order to ensure no further incidents have occurred and to reiterate advice previously given with the aim to increase their confidence at saying no at the door.

Victims that have come to our attention may have also been referred to the Adults Safeguarding team, as some victims are at risk of being financially abused by rogue traders and therefore need extra care and attention to help overcome these issues.

One Rapid Response was generated by a call from a bank that had been visited by officers to raise awareness. One intervention resulted in traders leaving a residents property and the prevention of a withdrawal of large sums of money.

Many of the rapid responses relate to the travelling community and unfortunately details from residents are sketchy and we are, therefore, unable to take further action other than log the limited information for intelligence.

No Cold Calling Zones

There are currently three established No Cold Calling Zones in Sparkhill, Yardley and Garretts Green/Sheldon. The perception survey results have been received, and despite a slight reduction in surveys returned over 96% still support the continued use of the zones. An average of 99% over all three zones do not want traders calling at their door. This year's survey showed that an average of 87.3% feel threatened by people knocking on the door and an average of 83.3% feel the no cold calling zone helps them feel safer at home. 96.3% of those living in the zones did not want them removed.

No Cold Calling Zones have been requested in several areas around Birmingham, all have been reviewed but the overall crime data does not support implementation of a new zone. Data is dispersed around Birmingham showing no potential hot spots for major problems of cold calling. This remains the same as last year. The No Cold Calling Zones show they have a purpose as no offences have occurred within these areas.

Since introducing the zones, resources have reduced significantly and less work proactive work has been carried out within the zones. We still provide a reactive service to residents within a no cold calling zone. As protecting vulnerable residents is a priority we will attempt in this coming year to raise the profile of the zones.

There have been various requests to have extra signage in zone areas; these requests have been met and funded by proceeds of crime money.

Frauds and Scams

The service works closely with Central England Trading Standards Authorities (CEnTSA) and is a member of its Regional Intelligence Group. The group is used to identify emerging criminal threats and prolific offenders who operate across the CEnTSA region and allows authorities within the region to pool resources in order to tackle serious and organised crime.

The service continues to receive referrals from CACS relating to potential scams, many of which relate to on-line transactions. Many of them emanate from outside the EU and are virtually impossible to trace. Intelligence is logged and referrals are made to Action Fraud and the National e-crime unit.

National Scams Hub Referrals

The National Scams Hub (NSH) is a project that is being run on behalf of National Trading Standards by East Sussex Trading Standards. Though it started off as a small project aimed at raising awareness of scams and creating links between different agencies to try and spot victims of scams it has increased its media profile through campaigns such as 'Think Jessica' which deals with postal scams, as well as referring increasing numbers of individuals to its partners for intervention work, and acting as a 'Knowledge' hub.

Just over 110 referrals were received last year, most of these dealt with a Prize Draw postal scam called PED/GWOP, however, other types of postal scams were included, such as Prizemasters and One World Lottery.

Just under 40 of these individuals were visited personally by an officer and given guidance, support and advice about avoiding scams in general and in particular postal scams. All those who had sent money, cheques or postal orders were visited and a total of £80 was returned mostly in amounts of £5.

Also where appropriate all persons over 75 years old were visited personally as these were seen to be most vulnerable.

It must be remembered that most scams and in particular postal scams are highly addictive, the most common phrase mentioned to the officer was 'I feel so ashamed' and it is this emotion that the scammers play on.

The following are just some examples the officers came across:

- A lady who was just about to send £600 to a scam postal lottery when the officer arrived.
- A gentleman who had amassed thousands of scam letters in his house and after the officer had talked to him at great length agreed not to respond further and destroy his remaining 'stash' of letters
- A lady who had suffered a head injury and was living in semi-sheltered accommodation and was not only divulging her personal details and circumstances but that of her carers.

None of these residents had been visited by or had had any interaction with Trading Standards in the past and many may be considered socially isolated. It can only be envisaged that this area of work will increase.

Five Scam Awareness talks were given to various groups throughout the city.

We also took part in Scam Awareness Month to help highlight and discuss the many types of scams that are around. We used twitter, our website and local media to get our messages across which included visiting five venues across the city giving out information and advice on various types of scams.

One of the Operations Managers is a member of the Birmingham Adults Safeguarding Partnership and engages with partners to raise the issues of vulnerable adults being potential victims of scams. This is also an opportunity to help partners understand the links between socially isolated adults and the risk they are at from financial abuse from rogue traders; this contributes toward the Council's responsibilities under the Care Act.

Hajj

For the Muslim community the Hajj pilgrimage to Mecca in Saudi Arabia is one of the most important and spiritual experiences in their lifetime.

The Saudi authorities control the amount of pilgrims that can attend from each country through a quota and visa system, in the UK this being 25,000 annually. Anyone wishing to undertake a pilgrimage, however, has to book a package through specialist Hajj and Umrah travel operators who can typically charge individuals between £3,000 and £5,000.

Unfortunately there has been a prevalence of unscrupulous traders taking advantage of would be pilgrims giving misleading indications as to the quality of the travel and accommodation; in some cases letting them down totally having taken the money.

Over the past 4 years Birmingham Trading Standards has proactively sought to raise awareness of the issues amongst the Muslim community and to improve compliance amongst the Hajj and Umrah travel operators. In previous years the work undertaken has attracted considerable publicity including amongst Asian satellite channels. Trading Standards has also continued liaison with the locally based Association of British Hujjaj.

An example of a case from previous years' investigations is awaiting trial at the Crown Court this summer.

In another case Purobi Travels Ltd and Moshina Khanna were each fined £2,000 and also ordered to pay costs of £913.50 for failing to have ATOL protection.

Following a trial at Crown Court Al Hashmi Hajj and Umrah Tours Ltd and its directors were also found guilty of Fraud Act and consumer protection offences in relation to false claims to have ATOL. The Jury deliberated for only forty minutes and returned with unanimous verdicts of Guilty for all counts against all three defendants.

Sentencing is awaited as financial investigation under the Proceeds of Crime Act 2002 is also taking place.

Hallmarking and the Jewellery Trade

The jewellery trade is of great importance to the Birmingham economy, with the presence of the Birmingham Assay Office, the Jewellery Quarter, and jewellers across the city including a large number of Asian jewellers.

A number of cases have come to court following previous years' investigations where un-hallmarked jewellery was discovered at some trade premises. Of particular note was:

A Birmingham jeweller was ordered to pay a total of £7,321 after pleading guilty to 20 offences, under the Hallmarking Act 1973. Ayan Jewellers Ltd, based at 362 Ladypool Road, Balsall Heath, was fined £5,000 and ordered to pay £2,321 in costs.

The case was brought after Officers seized 72 pieces of jewellery, including bangles and rings, labelled as 22 carat gold, during an inspection on 11 March 2015. 20 items were subsequently sent to Birmingham Assay Office for examination. None of the items seized from Ayan Jewellers were hallmarked. Under the Hallmarking Act 1973, all jewellery that is described as being gold, silver, platinum or palladium must carry a recognised, legal hallmark.

In another case Shiza Gold Jewellers offered items for supply with no hallmarks. There were 23 items that did not bear a recognized hallmark and more seriously 2 items which did not contain sufficient gold as described. Most people who buy gold jewellery do so on the basis of the gold content. The company were ordered to pay £2,000 in fines and also £3,340 costs

Illegal Alcohol

In addition to general counterfeiting Trading Standards work to combat the supply of illegal alcohol; this can either be counterfeit or non-duty paid. In virtually all cases this is about spirits rather than any other form of alcohol due to the potential profit to be made.

By far the most complaints and products seized are spirits that are either counterfeit or non-duty product.

Our inspections are intelligence led following receipt of complaints or information from other law enforcement agencies. Where there have been a number of complaints in an area we have inspected additional premises in the area as often it is not just one shop in an area selling illegally. We liaise regularly with police and licensing colleagues.

There appears to be a particular problem amongst smaller independent licenced premises with illicit alcohol. By far the largest problems are spirits with vodka being the most common. The biggest issues found relate to genuine products intended for export that have been relabelled with counterfeit back labels; no duty is being paid and retailers have no idea of the provenance of the good and are failing in their duties to ensure traceability of food products. The profit mark up on these products can be as much as £8 to £10 per bottle which makes the practice very lucrative. This is now big business for organised crime.

Our inspections have resulted in 395 bottles of vodka and 220 bottles of illicit whisky being seized, worth over £7,500 from 15 licenced premises across the city. The vast majority was counterfeit back label product but there were 105 bottles of totally non-duty paid and 13 bottles of totally counterfeit Glen's vodka.

There are prosecutions pending for some of the most serious matters as well as 4 licence reviews undertaken for substantial seizures where the licences were revoked and one pending.

During November 2015 the service was involved in Operation Opson which was a nationally organised initiative visiting licenced premises with our environmental health colleagues, particularly looking for illicit vodka. Many premises were targeted where seizures had been made in the last 2 years and in most cases it was found that they no-longer stocked illicit items.

Illegal Tobacco

This year Birmingham Trading Standards has continued to carry out an active role in enforcing the law in relation to sales of illicit tobacco from retail premises.

In total, during the last year, Trading Standards Officers have carried out 82 inspections at retail level for illicit tobacco. A total of 115,540 cigarettes (approximate current street value £22,456) has been seized; in addition small amounts of illegal hand-rolling tobacco have also been seized. In some premises both illegal tobacco and illegal alcohol was found. There have been a number of enforcement outcomes including Simple cautions, warnings and licence reviews. We have had two successful prosecutions completed in this period;

Case 1

Pritpal Singh Khurana trading as M&S News in Washwood Heath pleaded guilty to offences under the Trade Marks Act 1994 (counterfeit tobacco) and The Tobacco Products (Manufacture Presentation and Sale (Safety) Regulations 2002.

The case was brought following an inspection in October 2014 with tobacco detection dogs. Working with local police teams officers seized 6,328 packs of illegal cigarettes worth nearly £50,000. The dogs found the tobacco hidden behind a false wall and ceiling and underneath a false floor in a toilet. Illegal hand rolling tobacco and a small number of illegal bottles of alcohol were also found. Khurana was sentenced in October 2015 and given an 8 month prison sentence suspended for 2 years, with 250 hours community service. This also resulted in a licence review and confiscation is being pursued under the Proceeds of Crime Act 2002.

Case 2

Salim Salah trading as Supersam in Handsworth pleaded guilty to offences under the Trade Marks Act 1994 (counterfeit tobacco) and The Tobacco Products (Manufacture Presentation and Sale (Safety) Regulations 2002.

The case was brought following an inspection in November 2014 with tobacco detection dogs. Working with local police teams officers seized 1,037 packs of illegal cigarettes and 212 packs of illegal hand rolling tobacco. The dogs found the tobacco hidden behind a false ceiling in the cellar and under an ice cream freezer. Salah was sentenced in December 2015 and given a 10 month prison sentence suspended for 2 years, with 100 hours community service. This also resulted in a licence review and confiscation is being pursued under the Proceeds of Crime Act 2002.

This year we have continued to find sophisticated concealment methods, used by some retailers, to hide illicit tobacco products. There are a number of cases in progress. The use of the dogs has been highly successful and will hopefully be used more frequently in the future.

Role of Responsible Authority under the Licensing Act 2003

Trading Standards is designated as a responsible authority for the purposes of the Licensing Act 2003.

Businesses who make applications for a new licence or to vary existing ones must serve a copy of their application to Trading Standards, amongst other agencies to enable officers to raise objections or suggest measures for improvements. In 2015/2016 over 300 applications were received and reviewed. Several were objected to due to previous enforcement activities which resulted in re-applications or modifications and in some cases other agencies were asked to contribute to help with recommendations.

Trading Standards pay particular attention as to how the premises propose to fulfil their licensing objectives in relation to the protection of children from harm and will provide advice and guidance to new businesses on how to reduce the likelihood of alcohol being supplied to minors.

This year Trading Standards submitted a total of 10 licence reviews for premises found to be selling or stocking illicit alcohol and/ or tobacco.

We will continue to submit reviews for the stocking of illicit tobacco. Guidance issued under section 182 of the Licensing Act 2003 specifically states that reviews can be undertaken “for the sale or storage of smuggled tobacco and alcohol”

To date a total of 9 licence reviews have been heard by the licensing sub-committee which have resulted in revocations in all cases. There are some reviews still pending.

Officers have also attended magistrates’ court on a number of occasions and successfully defended previous appeals against revoked licences.

Trading Standards has a contact officer for each of the current four police LPU’s for all licensing matters and they liaise with other agencies to ensure that local knowledge and intelligence is shared by those who can best use it

Weights and Measures

Metrology or Weights and Measures is one of the traditional functions carried out by the Trading Standards service.

Trading Standards Officers continue to visit large packers of food or other consumer goods based in the city to ensure compliance with average weight legislation. These companies include several large confectionary companies and packers of varied food items where many have asked for advice and assistance on how to comply with legislation as well as improving their systems to develop their businesses and make them more effective.

40 enquiries have been received with 26 of those concerning short weight or measure. Visits are made by officers where it appears that trade premises need advice or enforcement activity.

3 pubs were visited following short measure beer complaints and test purchases were made to check quantities. In one case a formal warning was issued to the pub to improve.

As usual officers inspected the Frankfurt German market to ensure their compliance with UK legislation and tested a wide range of things including weighing machines and spirit measures.

An officer from Birmingham attends the regional metrology group which meets every quarter where trends across the region are discussed and expertise is shared. This year an officer from Birmingham has taken the lead in a draught beer exercise to check for short measure.

Trading Standards also check every notice of self verification for petrol pumps and weighbridges received for premises in the city. This year we received over 40 such notifications.

Proceeds of Crime

Trading Standard has two dedicated Financial Investigators who seek to confiscate money and assets from offenders under the Proceeds of Crime Act 2002, to prevent them from benefiting from their crimes. This has increased our capacity to support other investigations and ensure that criminals are targeted and their ill-gotten gains confiscated.

Throughout the last year, 30 cases were referred to the Financial Investigators by Officers from Trading Standards, resulting in over 35 applications being made for Productions Orders to enable financial data to be obtained from banks and building societies. 3 Restraint Order were obtained to protect assets from dissipation.

5 Proceeds of Crime Act confiscation hearings were held at the Crown Court, all of which were found in favour of Birmingham City Council. In total, £146,442.16 was confiscated from offenders last year

The investigators have also been instrumental in helping to prove offences by reviewing the financial evidence e.g. the Williams and Young letting agent case. They also assist other council teams such as the Corporate Fraud Team, Planning and the Waste Enforcement Unit.

All funds that are confiscated during these investigations are reinvested into the criminal justice system, with Trading Standards receiving 37.5% under the Asset Recovery Incentivisation Scheme.

Faith Healers

Trading Standards have continued to monitor activities surrounding faith healers or spiritualists. Some members of the community are lured into approaching these faith healers because they are promised that all their problems will be resolved.

Consumers with very personal or family problems believe the faith healer can help. Initially little is said about fees, however, once the faith healer has the trust of the consumer, they gradually ask for more and more money, this can start from small amounts increasing to hundreds, then thousands and in some cases tens of thousands of pounds.

Unfortunately because of the very sensitive and personal nature of the problems, few victims are willing to come forward to the authorities. However, a few that have come forward has resulted in current fraud investigations.

Trading Standards instigated a fraud investigation as a result of complaints made to officers between December 2014 and March 2015 from several women who had responded to these advertisements seeking to solve severe family and financial problems.

The faith healer met his clients and would initially charge £20 for the first session, but then asked for extra monies for prayers, special medicines and sacrificial animals including cows and crocodiles. The amounts paid by the victims however soon escalated to thousands of pounds and in one case over £100,000. The victims have been left distraught; the case was sentenced at Birmingham Crown Court on 16th June 2016 and the defendant was imprisoned for 7 ½ years.

Trade Association Membership and Use of Logos

Traders are often affiliated to recognized trade bodies, and in some cases accreditation is mandatory. Membership of such organizations provides a degree of assurance to consumers that the trader is professional and reputable. However in some case traders falsely claim to be members of such trade bodies and mislead consumers by displaying their logos without permission.

Trading Standards receive complaints from members of the public and the trade bodies themselves when such matters come to light. Trading Standards investigate such enquiries and in some cases this can lead to formal action. Examples of such cases include

A solar panel installer claimed MCS and REAL accreditation on his website but the accreditations had expired. A consumer who was expecting returns of £600 per year from the electricity produced was never actually put on the Government scheme so never received the savings. The Magistrates imposed a fine of £1,000 against the company Midland Solar Solutions. The Director Kevin Mountjoy was also fined £450. A total of £1,150 was awarded towards costs. Mr Mountjoy was also ordered to pay back the consumer his money.

Noroguetradershere.com

Trading Standards has continued its liaisons with Noroguetradershere.com, an internet based scheme that seeks to promote reputable traders. Any traders joining the scheme first have to be agreed to be vetted by Trading Standards. Checks are made to ensure the trader is complying with Consumer Protection legislation and that there are no unresolved justified complaints against the trader.

We promote this scheme at all events where we are helping to prevent citizens becoming victims of rogue builders. We also provide information of the scheme to victims of rogue builders.

Trading Standards Website

The Trading Standards website consists of 26 pages within the BCC website. The pages cover a variety of subjects and include useful information and links for consumers. The pages and content are regularly updated by the Trading Standards editors. Currently the content management system is Fatwire. A new system is to be implemented later on this year. Therefore, the website editors have been busy providing information to the web team for migration.

On our landing page we have a live Twitter feed which was created so the newest tweet appears on the page. To date we have 1,585 Twitter followers.

The total number of views of the Trading Standards website was 49,550 in the last year.

Markets

Trading Standards carries out inspections at the retail markets in the city centre and also the stalls at the pre-Christmas Frankfurt and craft markets. Stalls are checked for compliance for a range of Consumer Protection legislation, including weights and measures, pricing and product safety. Generally the level of compliance is high with only a few minor issues that were resolved.

Officers have provided training to newly appointed markets officers following their restructure.

Working with partners – events

Officers attend a number of Safety Advisory Group meetings for key events that are facilitated by the Council. This is a collaboration of interested parties that include licensing, police, fire service, transport services, central safety services, St Johns Ambulance, events team and the event organisers. We ensure that consideration is given to the safety of products being sold at events and information packs are provided to any potential stall holders.

We also inspect at events especially ensuring that goods being offered for sale are safe and where alcohol is being sold to ensure systems are in place to prevent young people having access.

We have attended the Fusion Festival, Vaisakhi, Frankfurt Christmas and Craft Market, St Patricks Day Parade and Pride.

These events bring thousands of visitors into the city so it is important that they are well run and that goods being provided are compliant. By engaging with our partners both from within the authority and other organisations we are ensuring the safety of the community and providing a point of contact for any issues that may arise.

Rugby World Cup – September 2015

We took a lead in producing an action plan for ensuring that the event was successful. The Council had agreed to ensure that no counterfeit goods were being sold and officers were tasked to work with partners to inspect sellers of goods.

Around 30 street traders were inspected and no contraventions of the Rugby World Cup trade marks were found.

Trading Standards BSI Accreditation

Birmingham Trading Standards are externally accredited with British Standards to ISO 9001: 2015 for Quality Critical Services with exclusion to design and development, as these elements are not an integral factor to Regulation and Enforcement. We are externally audited by BSI twice a year (June and December) to ensure that we comply with the Standards and maintain our accreditation.

The Golden Thread running through the European Foundation for Quality Management (EFQM) knits together both the new standards and the Council's values (amongst others) to put citizens first and achieve excellence. This demonstrates our commitment to customer focus which is at the forefront of everything we do and is evidenced by our customer satisfaction results which are displayed on the council's website.

Our Quality system is fully supported by senior management who strongly believe the system must be fully embedded within the culture of the organisation. Internal audits are conducted twice yearly (March and September) to ensure the system is operating efficiently and to identify any areas of non-conforming services. We have a service plan encompassing the Council's strategic outcomes with the leader's objectives, and it includes customers' and partners' views in determining our Key Performance Indicators for the future. Review of our procedures are identified through the forward planning process and discussed prior to conclusion at bi-monthly senior management meetings.

Trading Standards Outputs 2015/2016

The work of Trading Standards positively impacts the entire 1,073,045 Birmingham residents, 30,380 businesses and 33,000,000 visitors to the city each year.

A total of 4,762 requests for assistance were received by the service last year. 152 of these were requests for advice from businesses. The service supported or intervened for consumers to enable the return of £86,466.35 as redress for poorly delivered goods or services.

In supporting businesses a total of 8,610 items have been seized suspected of being counterfeit with a street value of £70,144. Goods have been seized from street sellers, retailers, wholesalers, manufacturers and importers. By removing illegal and non-compliant goods from sale we are supporting legitimate businesses and ensuring a level playing field for them. Additionally this work ensures that citizens are protected from potentially unsafe products.

22 successful prosecutions and 5 cautions were concluded. Total fines amounted to £37,401, while custodial sentences totalling 21 years were imposed. In addition suspended sentences amounting to 23 months and community orders for 850 hours of unpaid work were made. We were also successful in being awarded 75% of our costs totalling £54,428. Some costs will be awarded once POCA proceedings have been concluded.

Trading Standards Cases Heard 2015/2016:

Legislation	Cases	Offences	Fines	Costs	Other Penalty
Common Law (Conspiracy)	2	5		Subject to POCA	219 months imprisonment
Consumer Protection Act	1	6		Subject to POCA	10mths imprisonment

1987*					& 100 hrs unpaid work
Consumer Protection from Unfair Trading Regs 2008***	8	38	£16,450	£37,055	5mths imprisonment 8mths imprisonment suspended for 2 yrs & 250hrs unpaid work
Cosmetic Product (Safety) Regs 2008	3	33	£8,950	£7,046	
General Product Safety Regulations 2005	1	6	£4,500	£5,717	
Hallmarking Act 1873	2	33	£7,500	£4,610	
Trade Marks Act 1994**	5	98	£1		23mths imprisonment suspended for 2yrs, 850hrs unpaid work, 8wks suspended sentence, 28mths custody
Totals	22	219	£37,401	£54,428	See above

*Includes 1 CPUTR & 4 Tobacco Regs offences

** includes POCA offence

*** includes 2 TMA offences

REGISTER OFFICE

The Registration Service is a statutory function which Birmingham City Council is required by law to provide in terms of accommodation and adequate staffing to register all civil events within a specified national time frame. These events include the registration of births, deaths, stillbirths, marriages and civil partnerships, conversions of civil partnership to marriage, attesting the legal preliminaries to marriages, civil partnerships and conversions, the provision of a certificate service and the provision of citizenship ceremonies. All events to be registered are those which occurred within the boundary of the City. The Service is directed by the Registrar General, whose General Register Office is part of HM Passport Office. It is administered locally by Birmingham City Council and the Proper Officer for Registration Matters is Jacqui Kennedy, Acting Strategic Director of Place Directorate.

The Registration Service is a front-line service which is provided by the local authority. Registration staff officiates at ceremonies and register marriages, civil partnerships and conversions taking place at the Register Office as well as approximately 60 Approved Premises. They also attend and register marriages taking place at religious buildings such as churches, chapels, mosques, and temples. The service also provides the statutory citizenship ceremonies, a Nationality Checking Service, other non-statutory civil ceremonies and the statutory issue of certificates from the registration records of Birmingham which date back to 1st July 1837.

Service Successes

During the year 2015/2016 registration staff registered the following:

- 22,278 births.
- 9,894 deaths.
- 151 stillbirths.
- 585 Birth Re-registrations.

In total 1,742 marriages were celebrated and registered in the city, comprising of 1,297 marriages at the Register Office and the Ceremony Suite. Staff attended 12 marriages at religious buildings and 433 at the City's approved venues.

Registration staff made 77 S24 reports of possible offences relating to sham marriages during the year.

Following the implementation of provisions regarding the conversion of civil partnerships into marriage as part of the Marriage (Same Sex Couples) Act 2013, 109 conversions were completed by the end of March 2016.

Changes as a result of the Immigration Act 2014 were implemented in March 2015 which introduced a longer notice period for legal preliminaries to marriages and civil partnerships, a new process called the referral and investigation scheme which affects non-EEA nationals wishing to be married and also new provisions affecting some couples wishing to be married in the Church of England. All of these

provisions have increased the complexity of the workload for staff and were successfully implemented with no detrimental impact on our customers during 2015/2016.

There have been 9 marriages under the Registrar General's Licence Act which allows a person who is terminally ill, and cannot be moved to a place where marriages take place, to get married wherever they are.

The Register Office has provided either a group or private ceremony for a total of 2,584 new British citizens, an increase of 451 against the previous years figures. This slight increase is due to the Home Office clearing a backlog of cases.

8 civil partnership ceremonies took place in the City over the year, a 60% reduction on last year due to customers choosing to marry rather than form a civil partnership.

7,578 notices of marriage and 21 notices of civil partnership were given during the year, 7,330 opposite-sex couples and 248 same-sex couples

109 civil partnerships have been converted to marriages: 59 male couples and 50 female couples.

80,868 certificates of birth, marriage, death and civil partnership were issued to the public at first time registrations.

23,738 certificates issued from the registers which date back to 1837.

7,576 notices of marriage or civil partnership and certificates of no impediment allowing people to marry abroad.

104,606 legal documents were issued to the public over the year. These documents will include birth, death, marriage, civil partnership and conversion certificates issued from the registers which date back to 1837, citizenship certificates, Superintendent Registrar's certificates for marriages, certificates of no impediment allowing people to marry abroad and Registrar's certificates for burial or cremation, certificates for worship and registration of religious buildings for marriages and approval of premises

There have been 20 applications received from trustees of buildings to register the buildings as places of worship, 1 application for the solemnization of marriages and 1 for the solemnization of same-sex marriages. These applications were processed by the staff at the Register Office in conjunction with General Register Office

The Nationality Checking Service has ably assisted over 925 customers with their applications to become a British Citizen. This is slightly down on last year due to a change in Home Office procedures.

We have seen over 65,500 primary customers over the year.

Over the financial year ending 31st March 2016, staff have generated £1,575,789 in income.

The intensive workload, of the Register Office, has continued to provide the driver to make further improvements to processes and procedures. The main improvements include the further employment of the Stopford electronic diary system and in support of the City Council's channel shift initiative in March 2015 an on line appointment for Birth registrations facility was introduced.

In working towards the service area becoming self sufficient various initiatives have been introduced which include upfront payments for notices of marriage and new income generation schemes.

Service managers have strengthened partnership working with family support organisations and faith advocacy groups in order to assist service users.

The provision of death registration appointments has been revised to increase the availability of urgent appointments and a new bespoke electronic index system has been introduced.

There are now three different E contact forms placed on the Register Office web pages and dedicated mailboxes for each individual service area. This meets with the channel shift priority of the City Council.

During the year the Registration Service has provided a 365-day Emergency Bereavement Service for the Jewish and Muslim communities of Birmingham. This enables members of these communities to bury their deceased relatives within a very short period of time when required by religion or culture. The Service has also introduced a service which enables a death to be registered during a Bank Holiday and a weekend for the purpose of repatriating the body to a country outside of England and Wales.

Furthermore, the Service has also provided a 365 day service for marriages and civil partnerships, where one party is terminally ill and needs to marry at home, hospital or hospice, in accordance with the Registrar General's Licence Act.

The Registration Service is keen to help students make their first step into the working environment and has accommodated school visits to the Register Office and supported work experience students from Birmingham based schools and colleges as well as supported Government apprentices with work placements.

In addition officers have:

- Attended Faith Advocacy and NHS Bereavement Group meetings.
- Assisted the General Register Office in changing national Registration policy.
- Attended various homes, hospitals, and secure units to obtain a birth or death registration in emergency circumstances.
- Participated in valuable partnership working with central government bodies such as UKBA, DWP and the General Register Office.
- Participated in more local partnership working with organisations such as Gateway Family Services, BCC Children Centres, Approved Premises and

religious bodies as well as supported Macmillan Nurses as the staff member's nominated charity.

Continued to report suspected Sham marriages and Civil Partnerships and fraudulent applications for certificates

Challenges to Service Provision

The continuing heavy workload of the Registration Service and very limited service resource remain a significant challenge. In order to respond to the high volumes of birth registrations staff are doubling up on their workload, however, the Registrar General has already estimated that the number of births taking place in Birmingham will top 27,000 within the next few years. Measures have been taken by the City Council to ensure that there are sufficient registration rooms and other initiatives are being explored to try to address the heavy work load.

Due to the closure of maternity services in a number of neighbouring districts, 30% of birth registrations are in respect of non-Birmingham residents. If a birth or death occurs in Birmingham it has to be registered here regardless of where the relatives reside. The requirement to undertake non-Birmingham registrations continues to put pressure on resources exacerbated by an increase in the birth rate amongst Birmingham residents. This has resulted in a reduction in service standards in terms of ability to offer appointments promptly and within the statutory period of 42 days. The rise in birth registration has already been recognised by the City Council with the need to provide more classrooms.

The Register Office in Birmingham is a Designated Register Office (DRO) which means that it is one of a few nationally which deals with citizens who are subject to immigration control. These particular customers are required to attend a Designated Register Office regardless of where they reside. There are only two DROs in the entire West Midlands area. Birmingham is the largest and most central DRO in the country - the ceremony service area continually deals with customers and telephone calls from all over England and Wales, and from British and non-British subjects all over the world who wish to marry in England and Wales.

Income Generation

As the fees are mainly of a statutory nature it is difficult to achieve the required level of additional income. The provision of a birth or death registration has to be given free at the point of service. A birth or death certificate, which is optional, costs on £4.00. Whereas many in the service believe that the fee for a registration and certificate should be much higher, the final decision for what is charged belongs to the Treasury. There is currently a government-led review of the funding of the local registration service as a whole the outcome of which is at present uncertain.

There are fees which can be levied by Birmingham City Council and following a bench marking exercise with neighbouring districts fees were increased or introduced in line with our neighbours in an attempt to generate more income. Going forward additional income generating schemes are currently being explored.

LICENSING

Background

The Licensing Service consists of the General Licensing, Hackney Carriage and Private Hire Licensing and Licensing Enforcement teams.

All three teams are located at Ashted Lock, Building 1-3, Birmingham Science Park, Dartmouth Middleway, Birmingham, B7 4AZ. The service moved to its new location from its former premises at Crystal Court on 7th December 2015.

The Licensing Service operates to an ISO 9002 BSI accredited Quality Management System, is an Investors in People employer and in 2014/2015 retained the Customer Service Excellence award that recognises customer care.

General Licensing

The General Licensing Team is responsible for administering over 11,000 licences registrations and permits across a wide range of licensing functions, which includes amongst others, sales of alcohol, late night refreshment, regulated entertainment, sex establishments, charitable collections, amusement machines, gambling premises, skin piercers and scrap metal dealers.

The number of licences, registrations and permits issued by the team during the year 1st April 2015 until 31st March 2016 can be broken down as follows:

FUNCTION	LICENCE TYPE	NUMBER ISSUED
Licensing Act	Premises New	188
	Variation	49
	Variation DPS	582
	Transfer	174
	Provisional	0
	TENs	1193
	Personals	652
	Minor Variation	87
	Club Premises New	1
	Club Premises Variation	1
Gambling Act	Club Premises Minor Variation	3
	Premises New	2
	Premises Transfer	1
	Premises Variation	5
	Gaming Machines Alcohol New	34
	Gaming Machines Alcohol Transfer	6
	Gaming Machines Alcohol Variation	21
	Prize Gaming Permit	0
	Gaming Machines Club Fast Track Conv.	2
	Gaming Machines Club New	4

	Provisional Licence	0
	TUNs	0
	OUNs	1
Sex Establishments		
Sex Shop/Cinema	Grant	0
	Renewal	10
	Transfer	0
	Variation	0
	Short Term	0
SEV	Grant	1
	Renewal	10
	Transfer	0
	Variation	0
	Minor Variation	0
Massage & Special Treatments		
1 level	Grant	25
	Renewal	70
2+ levels	Grant	13
	Renewal	38
	Variation (Add Treatments)	1
	Transfer	2
Societies Lotteries	Grant	65
Street Collections	Grant	223
House - House Collections	Grant	19
Skin Piercers	Grant	160
Poisons	Grant	9
	Renewal	20
Scrap Metal - Collectors	Grant	24
	Renewal	0
Scrap Metal - Sites	Grant	3
	New Site Manager	1
	Renewal	0
Total for year		3671

The figures shown do not reflect the number of current licences, registrations or permits at any given time, but detail the number of applications completed during the period 1 April 2015 – 31 March 2016.

Hackney Carriage and Private Hire Licensing

The Hackney Carriage and Private Hire Licensing Team issued 9,475 licences during 2015/2016, and conducted a further 6,128 transactions, when replacement, transfer and other sundry transactions are taken into account.

The number of licensed operators fluctuated throughout the course of the year but at the end of March 2016 the number was 79 (compared to 81 in 2014/2015).

The team is responsible for the Hackney Carriage Driver Knowledge Test which incorporates the Verbal Communication Test (VCT) as well as the combined verbal communication and knowledge test for private hire drivers.

Licences are required for Hackney Carriage and Private Hire drivers, Hackney Carriage and Private Hire vehicles and Private Hire operators.

Licence holders' details are shared with the City Council's Benefits Service to prevent and detect benefit fraud.

The team conducted a customer satisfaction survey during the course of the year, with overall satisfaction with the service being recorded as 96%. An independent market research company was commissioned during the year to carry out a customer satisfaction survey amongst hackney carriage and private hire drivers. The results of that survey closely reflected the results of our in-house satisfaction survey.

Licensing Enforcement

The Licensing Enforcement Team is responsible for the inspection of licensed vehicles and premises, as well as dealing with requests for assistance in respect of general licensing, hackney carriage and private hire matters.

In addition to the team's own Licensing Enforcement Officers, a Police Officer is seconded to the team as Taxi Liaison Officer. PC David Humpherson joined Licensing early in January 2013.

PC Humpherson has recruited and trained a team of Special Constables to assist our officers on plying for hire investigations. They have been trained in taxi and private hire legislation and to act as evidence gatherers by taking un-booked journeys in private hire vehicles. The additional resource that these officers provide adds to the impact that our own officers can make in respect of dealing with illegal plying for hire. It also addresses the problem that most drivers recognise our own officers. Training is ongoing and we are currently trialling new pro-forma documents to streamline the evidence gathering process during the exercises.

The team undertakes regular exercises to combat the persistent problem of illegal plying for hire, as well as conducting targeted stop check exercises to check compliance with vehicle and driver conditions. Where non-compliance is discovered, the team takes appropriate legal action according to the circumstances and whether the non-compliance relates to a breach of a licence holder's conditions of licence or

amounts to a criminal offence, in accordance with Regulation and Enforcement's approved Enforcement Policy.

The team also investigates more complex issues including unlicensed vehicles, false insurance documents, false insurance claims, and applicants making false or misleading representations on application forms. In 2015/2016 the team brought to conclusion a number of cases involving drivers who have provided false information to the police to avoid penalty charges for speeding offences that were detected by police Automatic Number Plate Recognition (ANPR) cameras. Often these cases require use of the Fraud Act to convey the seriousness of the offence.

Apart from the routine matters of illegal plying for hire and cases where drivers have been caught driving without a valid insurance policy, the following are some examples of cases that were concluded in 2015/2016:

- A Private Hire Operator was fined £9,000 for 4 offences of operating an unlicensed driver. The driver received a total fine (including costs) of £840 + 24 points and six months disqualification.
- Another operator was found to be operating an unlicensed driver and between them the driver and operator received a total of £1,320 in fines and costs, 36 points and 18 months disqualification.
- A private hire driver was found to be driving without insurance which resulted in £195 fine, £1,644 costs, 9 points and 12 months disqualification.
- Two private hire drivers were caught plying for hire and having no insurance using CCTV; one received a total penalty of £1,800, 12 points and 12 months disqualification. The second received a total penalty of £1,508 and 6 months disqualification.
- And finally one private hire driver was convicted of Fraud on seven counts and was given a 7 month custodial sentence and costs of £3,000 were awarded to the Council.

The enforcement activity consisted of plying for hire, vehicle stop checks, taxi touting prevention work and officers having a deterrent effect by their presence on city sheets.

One of the primary duties and responsibilities of the team is to ensure all requests for assistance received are investigated fully and fairly. This is carried out in accordance with the Regulation and Enforcement BSI accredited management system and published service standards.

Requests for Assistance (RFAs) are categorised and coded in order to identify possible trends. This also makes it possible to identify repeat offenders and take proportionally more severe enforcement action if appropriate.

During the period of 1 April 2015 to 31 March 2016, the team dealt with 1,520 requests for assistance, representing a slight increase from 1,477 in 2014/2015. In

accordance with our Enforcement Policy, based on a risk approach, we routinely inspect Private Hire Operators, sex establishments and premises licensed for sexual entertainment and Massage and Special Treatments. Hackney carriage and private hire vehicles are inspected at unannounced stop-check exercises. In addition 839 licensed premises were inspected in response to either a request for assistance (RFA) from a member of the public or other business or as part of an ongoing assessment of risk.

During the year 22 stop check and high visibility enforcement exercises were conducted across the city in conjunction with officers from West Midlands Police. Officers from the Central Motorways Patrol Group frequently assisted our officers. These exercises targeted licensed drivers who were not wearing seat belts or who were committing other road traffic offences. Motorway patrol officers (and the Licensing service's own police officer) are approved vehicle inspectors who are authorised to inspect vehicles to determine their condition under the Road Traffic Act 1988.

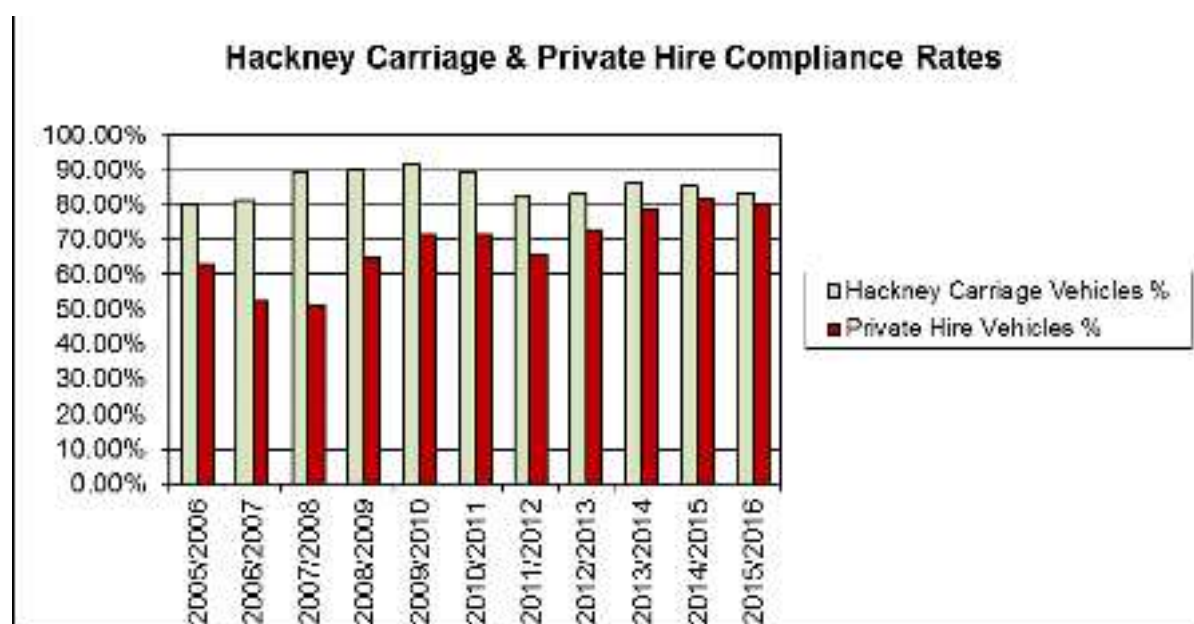
The overall compliance rate during 2015/2016 for safety critical conditions when measured at roadside stop-checks was 80.2% for private hire vehicles (it was 81.6% in 2014/2015) and 83.6% for hackney carriage vehicles (it was 85.4% in 2014/15). This measure was introduced at the beginning of 2012/2013. The figures show an improved compliance rate for vehicles overall, which is attributed to regular and sustained high-profile enforcement stop checks.

The greatest single reason for non-compliance was for lights.

The tables below record the percentage of vehicles which were fully compliant with conditions when inspected in stop-checks year by year since the 2005/2006 operational year.

	Hackney Carriage Vehicles % Fully Compliant	No of Vehicles Checked	Private Hire Vehicles % Fully Compliant	No of Vehicles Checked
2005/2006	80.0%	367	63.0%	1294
2006/2007	81.2%	708	52.2%	2419
2007/2008	89.5%	732	51.1%	2708
2008/2009	90%	1081	65%	2328
2009/2010	91.6%	1276	71.3%	1794
2010/2011	89.4%	1016	71.2%	2060
2011/2012	82.7%	399	66.0%	2270
2012/2013	83.2%*	191	72.7%*	959
2013/2014	86.1%*	273	78.7%*	1213
2014/2015	85.4%*	426	81.6%*	1307
2015/2016	83.6*	390	80.2*	1165

*New safety critical measure introduced



During the operational year 2015/2016, 85 licensed private hire operator inspections were conducted. At inspection, the most common failing was the requirement to keep copies of up to date insurance certificates for drivers.

Best Bar None

The national Best Bar None scheme, which was initiated by the Home Office, is designed to encourage premises to achieve high standards of compliance in respect of licensing legislation for the safety of customers. During 2015 the Licensing Enforcement Team organised and made a large contribution to the Birmingham Best Bar None scheme. Working with colleagues from West Midlands Police, West Midlands Fire Service, Environmental Health and Trading Standards, our officers assessed more than 50 premises that applied for accreditation. The Best Bar None standard recognises good practice in managing licensed premises for the safety of the customer, taking into account compliance with the Licensing Act 2003 and a range of other topics covering general health and safety, fire safety and measures to ensure that customers are protected when using the premises.

An awards ceremony and dinner took place at the International Convention Centre on 2nd December 2015, attended by 228 people from 45 different venues. The overall Best Bar None winner was the Le Truc restaurant/bar in The Arcadian Centre.

It was reported to the Licensing and Public Protection committee at its meeting in January 2016 that the 2015 Best Bar None Awards would be the last due to the pressure of competing demands on the different agencies that supported the scheme.

Prosecutions

Numbers of Cases

In 2015/2016 Licensing Officers submitted prosecution reports against 35 defendants and administered 170 simple cautions. During the same period 46 prosecution cases were finalised at Court. The majority of the prosecutions were for plying for hire offences.

Costs and Fines

Fines totalling £27,528 were imposed and costs of £27,724 were awarded to the City Council against requests totalling £47,492 (59%). Offenders received sentences ranging from fines, community punishment orders and imprisonment, detailed below:

- 304 penalty points.
- 68 months disqualification.
- 7 months imprisonment.

LEGISLATION	CASES	OFFENCE S	FINES	COSTS AWARDE D	OTHER
Fraud Act 2006**	2	10	£200	£3,085	7mths imprisonment, 8mths disqualification
Local Government (Miscellaneous Provisions) Act 1976					
Section 46**** (Unlicensed driver or vehicle)	2	12	£1,070	£2,250	36 points & 18mth disqualification
Section 73(1)(c) (Obstruction)	1	1	£120	£450	
Road Traffic Act 1988***	3	11	£9,590	£900	18 points
Town Police Clauses Act 1847 (plying)	38	78	£16,548	£21,039	264 points & 42mths disqualification
TOTALS	46	112	£27,528	£27,724	
** includes 6 rta offences, 1 plying offence					
*** includes 4 LGOV Sec 46 offences					
**** 3 rta offences					

Appeals against Sub Committee Decisions

The following tables list the number of cases proceeding to Court during the period 1 April 2015 to 31 March 2016, together with outcomes and costs recovery:

Outcome	Magistrates' Court	Crown Court	Total
Dismissed	37	4	41
Allowed	7	1 (to BCC)	8(7 Contra BCC)
Allowed in part	3	3	6
Withdrawn pre- or at Court	8	3	11
Other	Consent Order agreed(1)	-	1
Total	56	11	67

Note: These figures demonstrate that in 79% of cases, the decisions of the sub-committees were either supported by the Courts, or the appellants withdrew their appeal altogether.

Appeal Costs	Requested	Ordered	Percentage
PH/HC	£34,042.73	£30,614.73	89.9%

Work of the Licensing Sub-Committees

During the period 1 April 2015 to 31 March 2016 a total of 327 hackney carriage and private hire cases were referred to Licensing Sub Committees for consideration (in 2014/2015, 289 cases were referred to the Sub Committee). Following the recent delegation of certain decisions including the consideration of suitability of evidence as to good character where the applicant is from a failed state and cannot comply with the requirement to provide a DBS (Criminal Record Check), there should be a positive impact on the number of issues required to go before the sub-committees.

Sub Committees also considered 74 applications under the Licensing Act, these were for:

- Grant of Licence 34
- Variation 4
- Temporary Event Notice 2
- Personal 5
- Expedited Review 11
- Review 17
- Transfer 1

The above figures for sub-committee hearings demonstrate a reduction in volumes for Licensing Act grant applications (decreased from 40 the previous year and 56 the year before that.). Although review hearings have decreased from 28 to 17, the number of expedited reviews has increased by 45% from 6 to 11.

Service Delivery Plan 2015/2016 – Outturn

The Service Delivery Plan identifies targets and levels of performance. In order to ensure the delivery of quality services, the Licensing Service operates within the Regulation and Enforcement ISO9002 accredited management system (REMS).

The Licensing Service is committed to a programme of activities designed to ensure that our Service Provision and Service Standard targets are met.

Service Provision	Acceptable Quality Level	Annual Outturn
We will respond to all applications in a timely manner: Percentage of applications processed within 60 days* *Subject to tests and Committee timetable	90%	99.4%
We will respond to Requests for Assistance (RFA's): Percentage of RFA's responded to within 5-day target	97.5%	94.4%
We will submit all reports within two thirds of the time allowed us by law	98%	50%
Percentage of successful licensing prosecutions	95%	93.8%
Hackney Carriage and Private Hire: Overall customer satisfaction with Enforcement	80%	81%
Responding to Requests for Assistance: Overall customer satisfaction	80%	75%
Hackney Carriage and Private Hire: Overall customer satisfaction with reception services	80%	96%
Percentage of personal callers to Licensing seen within 15 minutes of their appointment time	97%	99.9%

CORONERS AND MORTUARY

2015 (the Coroner's Service operates a calendar year for statistical data) saw a significant increase in the number of deaths notified to the Coroner. The number rose to 4,805, an increase of 12.2% on 2014 and represented 41% of all deaths in Birmingham and Solihull. There was a resultant 13% increase in the number of Post Mortems carried out at 1,775.

2015 saw the Senior Coroner Mrs Louise Hunt joined by a full time Area Coroner Ms Emma Brown with her team completed by four Assistant Coroners.

2015 saw the completion of the few remaining complex inquests that had been outstanding when the Senior Coroner took up post in 2013 and enabled the new work processes to run in accordance with the requirements of the Coroners and Justice Act provisions that became effective at the same time. This resulted in the average length of time from death to inquest to fall from 42 weeks in 2014 to 12 weeks in 2015, well below the national average of 20 weeks. The percentage of inquests that took over a year from death fell to under 2% against a national average of 8%. The service compared favourably with national averages in relation to the percentage of deaths that were inquested, the percentage that were subject to post mortem analysis and the amount of histological and toxicological testing that was carried out.

The expenditure on toxicological testing fell to £143K for the year compared to £197K in 2014 and £360K in 2013, a reduction of 60% in two years as the result of a renegotiated contract with BCL.

In October 2015 a new IT system, Civica, was introduced to the Coroner's and Mortuary service, this is still being embedded but is expected to deliver improved efficiency across the service.

Customer satisfaction with the service remained excellent.

ENGLAND ILLEGAL MONEY LENDING TEAM

The England Illegal Money Lending Team is hosted by Birmingham City Council, tackling loan sharks across communities in England. The team moved under the governance of the national trading Standards Board in 2012.

The team consists of 32 Investigators and Regional Liaise Officers that support individuals and communities being exploited by loan sharks.

The England team receives approximately 600 intelligence / information reports each year that are investigated and risk assessed. The risk assessment will include action to be taken as well as any perceived or real risk in respect of our duty of care to the complainant / victim.

Every intelligence report is investigated to ensure that any decision about further action is informed and considered. The process is underpinned by the requirement to continually review all information to ensure the team has not underestimated or failed to act on the information.

In 2015/2016 work undertaken by the team included:

- 66 Arrests.
- 26 charged
- 36 On Bail.
- 10 cases finalized.
- 16 Custodial Sentences.
- Value of the loan books identified £8,604,806.50

In 2015/2016 there were 1,768 victims identified, the LIAISE team had 838 contacts with victims and witnesses. Of those, 91 agreed to complete a questionnaire about their financial situation. These **91** victims were in a total of **£838,000** of legitimate (non loan shark) debt – an average of **£9,217.96 per person – up over £1,000 each on the year before.** One victim from Yorkshire who believes engaging with IMLT saved his life, has made a video telling his story to encourage other victim's to come forward.

Every witness that engages with the team is risk assessed and appropriate measures are put in place to ensure their safety. In 2015/16 3 individuals were rehoused as part of this support.

In 2015/16 the LIAISE staff trained 13,000 frontline staff. This is instrumental in giving people the skills and knowledge to encourage their clients to report activity. Over 250 pieces of intelligence can be directly attributed to the work of LIAISE officers in 2015/16

December 2015 saw the launch of the first national stop loan sharks week. Activities across the country spread the Stop Loan Sharks message far and wide. This included a twitter campaign with partner agencies that achieved a reach of 2.5 million people.

Proceeds of crime money has been invested in projects across the country. Community arts projects, youth drama productions, money management skills targeted at people at risk of illegal lending and community safety initiatives all benefited from grant money from proceeds of crime. In January 2016 “The Grubstaker”, a play about illegal lending by young people for young people, premiered in Scarborough to a full house.

Lesson plans about financial capability skills that are delivered around the Stop Loan Sharks message are now being delivered in 5000 schools across England.

This year the Treasury announced that the team would be funded via an industry levy collected by the Financial Conduct Authority. The levy will be in place by 2017/18 and will afford a degree of consistency over a sustained period.

CUSTOMER SATISFACTION

The tables below indicate the percentage of respondents to our surveys who were very or fairly satisfied in respect of the indicated measures with regard to their Requests for Assistance from Regulation and Enforcement Services.

Environmental Health (general RFAs): April 2016					
Measure	Overall quality of service	Staff Courtesy	Speed of Service	Outcome of our actions	Treated fairly
% Satisfied	60%	62%	47%	42%	63%
Environmental Health (RFAs relating to rubbish) April 2016					
Measure	Overall quality of service	Staff Courtesy	Speed of Service	Outcome of our actions	Treated fairly
% satisfied	58%	57%	46%	57%	67%
Pest Control: April 2016					
Measure	Overall quality of service	Staff Courtesy	Speed of Service	Outcome of our actions	Treated fairly
% Satisfied	94%	96%	96%	94%	96%

Trading Standards: January 2016					
Measure	Overall quality of service	Staff Courtesy	Speed of Service	Outcome of our actions	Treated fairly
% Satisfied	60%	78%	56%	40%	50%
Trading Standards – No Rogue Traders Here service – satisfaction :					
Satisfaction with the quality of work or services = >99%.					
Would you recommend the service to family/friends = >99%.					

78% of customers were satisfied with our targets for responding to RFA's – i.e. within five working days.

Coroners Service: March 2016					
Measure	Staff sensitivity	Staff Courtesy	Timescale of Service	Outcome of inquest	Treated fairly
% Satisfied	99%	96%	94%	95%	94%

Business Satisfaction

Licensing – Hackney Carriage and Private Hire Licensing August 2015

Measure	Overall quality of service	Staff Courtesy	Speed of Service	Treated fairly
% Satisfied	96%	97%	97%	97%

Licensing – Hackney Carriage and Private Hire Enforcement April 2015

Measure	Overall quality of service	Staff Courtesy
% Satisfied	81%	97%

Customer Confidence

Service Area	Confidence
When buying goods or services in Birmingham how confident are you that you will receive the goods/services that you asked for at the price advertised and in the correct quantity?	83.9%
How confident are you that the food you buy in shops and takeaways and the food that you eat in restaurants in Birmingham is safe?	71.3%
How confident do you feel about your safety when travelling in Birmingham licensed Hackney Carriage (Black Cab) or Private Hire vehicles	79.8%
How confident are you that Licensed premises in Birmingham are suitably controlled to ensure that you have a safe and enjoyable time?	75.6%

Response Times to RFAs

Service Area	% of RFAs responded to within target time
Environmental Health	71.3
Pest Control	95.3
Licensing	94.4
Trading Standards	89.6
Register Office	97.5

Your Views

Regulation and Enforcement received 84 compliments in 2015/2016 and upheld 24 complaints against service. Dealt with 95% of complaints within the City's target time

BIRMINGHAM CITY COUNCIL

**REPORT OF THE ACTING DIRECTOR REGULATION AND ENFORCEMENT
TO THE LICENSING AND PUBLIC PROTECTION COMMITTEE**

13 JULY 2016
ALL WARDS

HEALTH AND SAFETY LAW ENFORCEMENT PLAN 2016/2017

1. Summary

- 1.1 Local authorities are required, by the Health and Safety Executive's National Local Authority Enforcement Code (May 2013), to produce an annual Health and Safety Law Enforcement Plan (HSLEP).
- 1.2 This requirement is part of section 18(4) of the Health and Safety at Work etc. Act 1974 (HASWA), and requires all enforcing authorities to comply with requirements in the Code.
- 1.3 This document which is Birmingham's HSLEP sets out the health and safety work programme for 2016/2017.

2. Recommendation

- 2.1 That the report is noted and the Health and Safety Law Enforcement Plan for 2016/2017 be approved.

Contact Officer: Gary James
Telephone: 0121 303 9826
Email: gary.g.james@birmingham.gov.uk

3. Background

3.1 To meet the Health & Safety Executive's (HSE) *National Local Authority Enforcement Code*, Birmingham City Council as a Local Authority enforcing health and safety law is required to:

- make a commitment to improving health and safety outcomes;
- set out our priorities and plan of interventions for the current year taking into account local and national priorities; and
- target our interventions to maximise their impact.

3.2 To meet these requirements of the current *National Local Authority Enforcement Code*, the City Council should:

- make a formal corporate commitment to improving health and safety outcomes;
- implement a written intervention plan which is agreed by senior management including Members, and:
 - a. include a range of risk-based interventions such as planned inspections, planned enforcement initiatives, investigation of accidents and complaints,
 - b. link health and safety interventions with national, regional and local objectives such as national campaigns, and
 - c. include planning and delivering objectives with other partners and stakeholders.

3.3 This Health and Safety Law Enforcement Plan (HSLEP) includes proactive inspections of premises categorised as posing the highest risk identified through either national or local priorities. This enables resources to be directed to those areas where we believe we can have a positive impact in improving health and safety standards.

4. Consultation

4.1 The work outlined in this report is in response to the requirements of the HSE who direct local authorities on health and safety interventions nationally. The work has also been chosen to target high risk incidents that have been reported to the City Council in the previous financial year or are of an on-going concern.

5. Implications for Resources

5.1 The HSLEP will be delivered within existing budgets. However, priorities may have to be reviewed during the course of the year according to circumstances. For instance, a large number of major accidents may require resources to be diverted from other areas of work identified in the plan.

6. Implications for Policy Priorities

- 6.1 The promotion of health and safety in the workplace, and where required effective enforcement interventions make an essential contribution to the health and well-being of residents and visitors to the City.
- 6.2 There are also direct economic benefits to businesses that are able to manage health and safety to a high standard. These are borne out through reduced absenteeism, insurance premiums, equipment repairs, etc.
- 6.3 The activities undertaken by Environmental Health in relation to health and safety supports the City Councils Business Plan 2016+ and the Leader's 2016 policy statement of working together for a fair, prosperous and democratic Birmingham.

7. Implications for Equality and Diversity

- 7.1 The inspection and control of workplaces is essential to protect the health, safety and welfare of all people employed in or who are visitors to Birmingham. There have been no specific implications for equality and diversity identified.

ACTING DIRECTOR REGULATION AND ENFORCEMENT

Background Papers: Nil

HEALTH AND SAFETY LAW ENFORCEMENT PLAN 2016/2017

1.0 Overall aim of the service

- 1.1 The Health & Safety Law Enforcement Plan (HSLEP) represents our commitment to improving health and safety outcomes for employers, employees and visitors to Birmingham. The HSLEP also represents our continued commitment to the Health and Safety Executive's (HSE) Strategy, *Helping Great Britain work well 2016*¹. It also continues to support the recommendations of the Löfstedt review *Reclaiming health and safety for all: An independent review of health and safety regulation*².
- 1.2 Through a range of different interventions we will:
- Work in partnership with businesses to enable them to succeed economically;
 - Secure justice for the victims of poor health and safety provision / management;
 - Help prevent work-related death, injury and ill-health;
 - Deal with serious risks (i.e. those likely to cause serious injury, ill-health, or death);
 - Use risk-based and intelligence-led interventions to target our activities appropriately and proportionately. In accordance with the *National Local Authority Enforcement Code*, we will take a common-sense approach and only target the higher-risk activities and be proportionate and consistent in our enforcement.

2.0 Introduction

- 2.1 Section 18(4) of the *Health and Safety at Work etc. Act 1974* (HASWA) requires that enforcing authorities perform their duties in accordance with guidance from the HSE. This guidance is known as the *National Local Authority Enforcement Code* (the Code).
- 2.2 We will, in line with the Code, continue to reduce the burdens on business, which disproportionate enforcement of health and safety enforcement imposes. We achieve this by employing a range of different ways of dealing with businesses. These include proactive inspections, reactive visits in response to accidents and complaints, mailshots, etc. collectively, these are referred to as "interventions".
- 2.3 One of the key elements of the Code is that local authorities must, annually, publish their HSLEP. This HSLEP sets out the arrangements to demonstrate how we will comply with Section 18 of HASWA, and outlines the work programme for the forthcoming financial year.

¹ <http://www.hse.gov.uk/strategy/assets/docs/hse-helping-great-britain-work-well-strategy-2016.pdf>

² <http://www.dwp.gov.uk/docs/lofstedt-report.pdf>

- 2.4 Our work programme incorporates the requirements of the Code; covers a number of the national priorities listed by the HSE within Local Authority Circular 67/2 (revision 5) and takes into account local health and safety priorities which are based on local intelligence mainly generated through incidents / accidents received.

3.0 Primary Authority Partnership (PAP)

- 3.1 These continue both nationally and in the City Council, to grow. PAPs enable businesses to nominate a single local authority from whom they can receive assured professional advice. All other local authorities are required to adhere to this assured advice when considering taking action against the partner company. Please see section 6.0 for a list of our current "health, safety and welfare" PAPs.

We are continuing to seek opportunities to develop further Partnerships and hope to announce more during 2016/2017.

4.0 The Scope of the Health and Safety Service

- 4.1 Health and safety regulation within the UK is predominately undertaken by the HSE and local authorities. The *Health and Safety (Enforcing Authority) Regulations 1998* states the sectors the HSE and local authorities regulate, this is largely dependent on the work activity being carried out in the premises. The Environmental Health Section is responsible for enforcing health and safety legislation in a wide range of premises in Birmingham, these include:



- 4.2 There are around 21,000 business premises in Birmingham which come under our jurisdiction for health and safety regulation. Taking a risk based approach to proactive inspections as per HSE guidance, these individual business or specific types of businesses are only inspected where national or local intelligence indicates that there may be an increased risk to the health and safety of employees and or the public. By targeting our resource in this way it ensures that we reduce the burden on compliant and low risk businesses, and focus support on those businesses that need it most.
- 4.3 Our approach to regulation is in line with the HSE³ and our Enforcement Policy⁴, as well as taking into consideration the principles of Better Regulation:
- Targeted (to take a risk-based approach);
 - Proportionate (such as only intervening where necessary);
 - Accountable (to explain and justify service levels and decisions to the public and to stakeholders);
 - Consistent (to apply regulations consistently to all parties); and
 - Transparent (being open and user-friendly).

³ <http://www.hse.gov.uk/pubns/hse41.pdf>

⁴ <http://www.birmingham.gov.uk/regulatoryenforcementpolicy>

5.0 Priorities for this year

5.1 Our key delivery priorities are listed below:

Strategic national priorities

- Investigate notifiable incidents, dangerous occurrences and cases of work-related illness in accordance with national incident selection criteria.
- Undertake a programme of targeted inspections of cooling towers to address the risk of legionnaire's disease.
- Inspect falls from height and workplace transport management in warehousing / distribution premises / other premises where history of falling from height known (not chains).
- Investigate all notifiable incidents where work-related violence is implicated to ensure that the business has both suitable management systems in place, and adequate security measures.

Local priorities

- In conjunction with the national priorities mentioned above, we will also inspect:-
- Manual handling tasks and the risk of falls from height in tyre premises (not chains).
- Food machinery safety in catering premises to ensure that guarding of dangerous moving parts is being maintained.
- Shisha bars to ensure that employees are not being exposed to unacceptable health risks or from unsafe workplace conditions.

Partnership work

- Identify further business partners to enter into Primary Authority Partnerships, and grow existing ones.
- Continue through attendance at the West Midlands Health and Safety Liaison Group to share best practice with local colleagues and participate in relevant intervention work.
- Work with local and multisite businesses and the HSE through attendance at events or partnership work.

6.0 Primary Authority Partnerships

We are continuing to develop our PAPs covering England and Wales.

Primary Authority Partnerships allow us to:

- Work closely with the business helping them to apply health and safety regulations to their specific circumstances.
- Provide robust and reliable advice which must be recognised by all local regulators.
- Introduce, where required, a national inspection plan to improve the effectiveness of inspection, avoid repeated checks, and enable better sharing of information.
- Monitor enforcement action to ensure that the business is treated consistently and that responses are proportionate to the issue.
- Recover the costs incurred by managing the partnership including officer time and travelling expenses.

The City Council cannot profit financially from PAPs. However, the Partnerships do promote the positive work of Birmingham City Council nationally.

We have five "Health, safety and welfare" Primary Authority Partnerships with

Marks and Spencer (UK)	• Concentrating on its retail premises
John Lewis Partnership	• John Lewis stores • Waitrose stores • Associated offices, warehouses, etc
Claire's Accessories	• Concentrating on its retail premises
Gala Bingo	• Concentrating on its bingo halls
Patisserie Holdings PLC	• Stonehearth Ltd • Flour Power City Ltd • Patisserie Valerie Express Ltd • Philpotts Ltd • Patisserie Valerie Holdings Ltd • Patisserie Valerie Ltd

We will continue discussions with other companies to develop further Partnerships.

HEALTH AND SAFETY INTERVENTION PLAN FOR 2016/2017

Topic	Rationale	Number (‘Expected’ figures are as for 2015/2016)	Target
Health and safety related requests for assistance (RFA)	To respond to requests for assistance in line with Regulation and Enforcement’s target of responding to all RFAs within 5 working days	207 expected	100% response
Category 1 accidents (Fatalities and Serious injuries)	To investigate serious cases where health and safety management may have broken down and to prevent further injuries or ill health	7 expected	100% investigated
Category 2 accidents (Serious injuries and Occupational Disease Notifications)	To investigate cases where health and safety management may have broken down and to prevent further injuries or ill health	95 expected	100% investigated
Category 3 accidents (Less serious but reportable accidents)	To investigate cases where health and safety management may have broken down and to prevent further injuries or ill health	303 expected	Not investigated unless specific reason determined (e.g. part of a pattern or work-related violence). Anticipate <10%
Reduce the risk of legionella	To ensure that the risk of legionella is appropriately controlled at source e.g. Cooling Towers. There are 10 registered Cooling Towers which fall to Birmingham City Council for enforcement that have been subject to full inspections since 2009.	10. (These will not be full inspections but focus on key parts of safety management)	100% inspected

Topic	Rationale	Number (‘Expected’ figures are as for 2015/16)	Target
Reduce the risk of serious injuries from workers /others being struck by moving vehicles or falling from height	Carry out proactive inspections of warehouses & distribution premises including common areas of multi tenanted buildings. To check on safety measures in place to prevent workers or others from being struck by vehicles and or to prevent workers or others falling from height	20 visits	100% inspected
Reduce the risk of falling from height or muscular skeletal disorders in tyre premises	Carry out proactive inspections of tyre premises to check on controls preventing workers or stock from falling from height or workers sustaining ill health handling of tyres	15 visits	100% inspected
Reduce the risk of ill health to employees in Shisha bars and unsatisfactory workplace conditions	Carry out proactive inspections of Shisha Bars to check on health control measures and workplace conditions	10 visits	100% inspected
Reduce the risk of personal injury and work-related stress in connection with violent incidents.	Investigate all notifiable accidents and RFAs where work-related violence is the causal factor.	14 expected	100% investigated
Reduce the risk of, amputations, crush injuries, as a result of coming into contact with unguarded dangerous parts of work equipment.	Inspect work equipment known to have caused serious injury (e.g. mixers, dough rollers, chippers, etc.) in catering establishments to ensure workers are not exposed to risks to their safety.	200 inspections	100% inspected
Reduce the risk of, serious injury from use of lifting equipment, e.g. fork lift truck, passenger lift, window cleaning cradle(s) where defects have been found during thorough examinations.	Contact the duty holder (email/letter) or visit where serious defects have been reported to make sure the equipment has been taken out of use or the repairs carried out.	75 notifications expected, but anticipate <10% will require contact / visit	100% investigated
Training	Provide up to 10hrs training for all staff authorised under Health and Safety at Work etc. Act 1974. Where appropriate provide and facilitate training to external organisations and local authorities and / or to generate an income.	All health and safety authorised staff	100% of identified training

BIRMINGHAM CITY COUNCIL

**REPORT OF THE DIRECTOR OF REGULATORY SERVICES
TO THE LICENSING AND PUBLIC PROTECTION COMMITTEE**

13 JULY 2016
ALL WARDS

**CONDITIONS OF LICENCE FOR
PRIVATE HIRE OPERATORS**

1. Summary

- 1.1 This report proposes the introduction of a new set of conditions to be attached to the licences issued in respect of private hire operators (appendix 1).
- 1.2 The current conditions relating to operators licenses have been reviewed, amended and updated in an attempt to clarify certain issues and introduce new initiatives and procedures and remove what are already legal duties.
- 1.3 A considerable number of amendments have been made in respect of the format of the conditions of licence and their content and an annotated summary of the changes is attached at appendix 2.
- 1.4 A combined set of conditions for drivers and vehicles has been produced and these will be consulted on before bringing them to this Committee for consideration.
- 1.5 A review of hackney carriage byelaws and conditions will also be carried out and brought to this committee for consideration in due course.

2. Recommendations

- 2.1 That the Committee considers the proposed updated conditions for private hire operators at Appendix 1.
- 2.2 That subject to the views and comments of the Committee, officers be instructed to consult on the proposed conditions with the trade and members of the public.
- 2.3 That a final version of the conditions with comments from the trade be brought back to the Committee for approval and to agree an implementation date.

Contact Officer: Chris Neville, Head of Licensing
Telephone: 0121 675 2495

Email: chris.neville@birmingham.gov.uk

Originating Officer: Shawn Woodcock, Licensing Operations Manager (Acting)

3. Background

- 3.1 Following a proposal to this committee in October 2014 to introduce a Quality Rating Scheme for Private Hire Operators, officers from the Enforcement team consulted with the trade.
- 3.2 The vast majority of the feedback from that exercise was that before a Quality Rating Scheme could be introduced the conditions on which they would be measured MUST be reviewed as they were, according to the representatives there, not fit for purpose.
- 3.3 A further report to this committee in January 2016 regarding the Implications of the Casey Report on Child Sexual Exploitation in Rotherham set out an action plan “...to improve our systems and to minimise the risk...”
- 3.4 This review of conditions for Operators completes part of that action plan.

4 Conditions

- 4.1 Section 55 of the Local Government (Miscellaneous Provisions) Act 1976, which relate to the issue of licenses for private hire operators, states:

“A district council may attach to the grant of a licence under this section such conditions as they may consider reasonably necessary”.
- 4.2 The purpose of attaching conditions to these licences is to be able to regulate a large variety of matters relating to the way operators, conduct themselves and the use of their vehicles. Conditions can prescribe the ways in which activities are conducted, the sort of documentation operators must maintain and how vehicles are to display their plates and signage.
- 4.3 The conditions are used to deal with issues that require regulating and are drafted to stipulate the exact manner in which activities are to be undertaken. Failing to comply with conditions may result in enforcement action being taken. This may include referral to a Licensing Sub Committee for them to consider whether the licensee is “fit and proper” and if not whether their licence should be suspended or revoked.
- 4.4 The current set of conditions for operators was last reviewed and/or amended on 15 September 2010, with an additional amendment in February 2015 to account for the changes to the Equalities Act.

- 4.5 Since then, a number of changes have taken place both in respect of how the private hire trade operate with the introduction of new technology (apps.) and the current review of vehicle signage.
- 4.6 The current conditions contain offences which may result in either the cautioning or prosecuting of the licensee. These conditions have been removed from the proposed conditions as these are legislative requirements and so there is no need for it to also be a condition of licence.
- 4.7 Further guidance has been produced (appendix 3) to accompany the new conditions advising operators of their legal obligations. This gives details of offences under the various Acts that relate to private hire.
- 4.8 The Licensing Enforcement Team deals with numerous complaints about the activities of licensees and undertakes various exercises throughout the year including the stop checking of vehicles and drivers and the inspection of records and documentation retained at operators' bases. These conditions are used to measure the licensee's compliance and deal with complaints.

5. Issue of Conditions of Licence

- 5.1 Conditions can only be issued upon the grant of a licence. Thus should Committee be minded to approve the amended conditions of licence as drafted, they will then be issued upon the grant or renewal of licence applications following the implementation of the proposed policy on vehicle signage.
- 5.2 It is worth noting however, that due to the availability of five year licenses for operators that we could be enforcing two sets of conditions for up to five years following the proposed introduction of new conditions.
- 5.3 Any individual aggrieved by the conditions of licence may make an application for exemption from them and attend a hearing before a Licensing Sub Committee. Alternatively, they can appeal to a Magistrates Court within 21 days of the service of the licence upon them.

6. Consultation

- 6.1 An initial draft of Operator conditions (appendix 4) were circulated around all those operators that have provided an email contact. This is 55 of the 71 Operators currently licensed by the City Council.
- 6.2 Three replies were received and these are attached at appendix 5.
- 6.3 A number of the suggestions that were made by the consultees that responded and comments made by the enforcement team have been included in the final draft presented here at Appendix 1.

7. Implications for Resources

- 7.1 This work will be undertaken within the resources available to your Committee and is funded through charges to operators' licenses.

8. Implications for Policy Priorities

- 8.1 The content of this report assists in promoting improvements in the standards of services provided by licence holders across the City namely to improve standards of licensed people, premises and vehicles and the Council's strategic outcome of staying safe in a clean, green city the City.

9. Implications for Equality and Diversity

- 9.1 No specific implications have been identified.

DIRECTOR OF REGULATORY SERVICES

Background Papers: nil

Proposed New Conditions

**PRIVATE HIRE OPERATORS
CONDITIONS OF LICENCE**

This licence is granted subject to the following conditions. Failure to comply with any of the conditions could lead to a criminal prosecution and/or your licence being suspended, revoked or not renewed.

If you are aggrieved by any of the conditions attached to this licence you may make an application for exemption from them and attend a hearing before the Licensing Sub Committee, alternatively you can appeal to a Magistrates Court within 21 days of the service of this licence on you.

If you have any difficulty in understanding the implications of any of the conditions below, please let the Licensing Office know immediately so that arrangements can be made to assist you in that respect.

CONDITIONS

INFORMATION TO BE REPORTED TO THE LICENSING OFFICE

1. Any of the following events that affect you, or any individual or company named on the application form or a manager nominated by you during the period your licence is in force, must be reported in writing to the Licensing Office within **7 days** giving full details:
 - a) of any conviction or finding of guilt (criminal or motoring offence)
 - b) of any caution (issued by the Police or any other agency)
 - c) receipt of a Magistrates' Court summons
 - d) receipt of a fixed penalty notice for any matter (including a motoring offence)
 - e) receipt of a warning or court order in relation to harassment or any other form of anti-social behaviour
 - f) receipt of a civil or family law injunction
 - g) if arrested for any offence (whether or not charged)
 - h) if charged with any criminal offence.

In the case of a motoring endorsement, **do not wait** for your licence to be returned from the DVLA.

2. If you are refused any type of licence by any other regulatory authority or any such licence is suspended, revoked or not renewed you must inform the Licensing Office, in writing within **7 days**, of such an event and provide the following information:
 - i) the name of the regulatory authority
 - ii) the licence number(s) of the licence(s) suspended, revoked or refused renewal

- iii) the date of the decision
 - iv) a copy of any document issued by the regulatory authority giving the reasons for the authority's decision.
- 3. If you change your home address you must inform the Licensing Office, in writing within 7 days, of your new home address.
- 4. You must provide the Licensing Office an updated Driver and Vehicle List on the first of every month. This can be provided by post, in person or via email but should include **all** drivers and vehicles operated by you for the purposes of private hire and their call signs.
- 5. You must notify the Licensing Office, in writing within 7 days, of the name and details of any individual to be nominated as a Responsible Person for managing your business in your absence prior to their commencement in that role. Should a nominated person cease to be employed in this capacity, you must notify the Licensing Office, in writing within 7 days, of that fact.
- 6. You must notify the Licensing Office, in writing, within 7 days of any change in the ownership/management/partnership of the operation as specified in your application form.

LICENSED PREMISES

- 7. If the public have access to your premises your licence must be prominently displayed in a position that is clearly visible.
- 8. If the public do not have access to your premises then upon request you must either provide a copy or permit any member of the public to view a copy of your licence and conditions.
- 9. In respect of these copies of your licence either on display or made available on request you may delete your personal address if shown on the licence.

STAFF

- 10. Either you or a Responsible Person over the age of 18 and notified by you in writing to the Licensing Office pursuant to Condition 5 must be in charge of the operation and immediately contactable by an authorised officer at any time during the hours of operation.
- 11. You must ensure that any Responsible Person left in charge of the premises in your absence is fully aware of these conditions of licence, the need to comply with them and be able to produce the records to an authorised officer on request.
- 12. No person other than a director, partner or employee shall be engaged in any aspect of the business. You must keep and maintain at the licensed premises a register of all such persons, which shall include their full name, date of birth, home address, national insurance number, contact telephone number, any call sign/codes they are allocated and the dates their employment commenced/terminated.

The aforementioned register must be retained at the premises and be made available to an authorised officer for inspection at any time during the hours of operation together with documentary proof of identification and that each employee has been registered with HMRC as an employee of the operator.

STATIONERY & ADVERTISEMENTS

13. You must not advertise or use stationery with a trading name that is not included in your Private Hire Operator's licence without obtaining the prior written approval of the Licensing Office.
14. You must not advertise or use stationery showing your trading name in a different style/format of letters, numbers or logos without obtaining the prior written approval of the Licensing Office.
15. You must not advertise your private hire business in a manner which gives rise to confusion with another private hire operator licensed by this Council or any other neighbouring council.
16. No notice, sign or advertisement seeking to advertise or promote your business of a private hire operator, wherever it is displayed, shall consist of or include the words "TAXI" or "CAB" or "For Hire" whether in the singular or plural, or any words or devices which give any indication that the service to which the notice, sign or advertisement relates is that which can only be provided by a licensed Hackney Carriage.
17. You must ensure that staff answering your private hire telephone number(s) does so by using your trading name only.
18. You must provide your drivers with stationery that they can use for issuing receipts. The stationery shall include your trading name and space for the drivers' call sign, details of the journey and the fare paid to be recorded.

DRIVERS AND VEHICLES

19. Private Hire Operators in the City of Birmingham shall only operate with vehicles and drivers licensed by the Birmingham City Council and shall operate only from premises within the City boundary.
20. Mobile phones or smart phones are not allowed to be used, installed, fitted to or carried in any private hire vehicle for the purpose of inviting, passing or accepting bookings for that vehicle.

The only exception to this is where a phone is installed specifically to host an app. designed for the acceptance of bookings from your operator.

TAXIMETERS

21. Should a taximeter be fitted to any private hire vehicle operated by you, you must ensure that it has been tested, sealed and certified to have been calibrated and set to your tariff(s) before it can be used for calculating fares for passengers.
22. Should fares be calculated using technology other than a conventional taximeter, you must ensure that the fare displayed in the vehicle as payable by the customer shall be that which provides the greatest benefit to the customer; irrespective of whether that was the route taken by the vehicle unless the customer chose the route and / or agreed to pay on a basis other than shortest route.

VEHICLE IDENTITY PLATES & SIGNAGE

23. You must ensure that every private hire vehicle operated by you is issued with such operator signs and notices as may be required for the vehicle to be compliant with the conditions of the City Councils Vehicle Signage Policy and approved in writing by the Licensing Office. No other signage is permitted.
24. If you want to change the design of your operator signs you must secure written approval from the Licensing Office.
25. Only one approved door sign design is to be in use at any one time. All previous versions must be removed from circulation when a new approved sign is introduced.

RECORDS OF BOOKINGS

26. You must keep a record of all private hire bookings in the manner prescribed (See Condition 30 below).
27. Unless specific consent is given to you, in writing to the contrary, you are required to keep the records of all bookings in a suitable hard back book which has consecutive page numbers. You must ensure the entries are clearly and easily legible.
28. Should you wish to use a computerised system, then you must first obtain consent in writing from the Licensing Office.
29. If you have a computerised booking system, you must ensure it is able to produce a print out of any records requested by an authorised officer at all times.
30. You shall ensure that at the time of booking of each journey, an entry is made in the record book or computer booking and dispatch system the following details for every booking invited or accepted for private hire including:
 - ai) The name and signature of the person making the record and the radio operator for each period of duty - Record Book only
 - a ii) The code for the person making the record - Computerised system only
 - b) The date on which the booking is made and, if different, the date of the proposed journey
 - c) The name of the person for whom the booking is made or, if more than one person, the name of one of them
 - d) The agreed time and place of collection, or, if more than one, the agreed time and place of the first place of collection
 - e) The main destination specified by the customer at the time of the booking
 - f) The time a vehicle was allocated to the booking
 - g) The driver's call sign or registration number of the vehicle allocated the booking
 - h) The fare agreed for the journey (where appropriate)
 - i) If applicable, the name of the other operator from whom a booking was received and / or to whom the booking was subcontracted.
31. Recording destinations - The very minimum you should record is the street and postal area of the main destination (e.g. Stratford Road, Hall Green) or the place (e.g. The Robin Hood, Stratford Road). At best it should be the full postal address (e.g. 1456 Stratford Road, Hall Green, B28 9ES). It is not sufficient to record just the postal area (e.g. Hall Green) as that would cover too wide an area. However where

you know the full postcode (e.g. B28 9ES) that will suffice, as it would identify the street destination.

32. When allocating a booking to a driver, you must provide them with all of the following details:
- a) the name of the person for whom the booking is made
 - b) the agreed time and place of collection
 - c) the stated destination
 - d) the fare agreed (if applicable).
33. You must not accept or record details of any booking passed to you by a driver.
34. Your records of all private hire bookings, whether retained in a book or on a computerised system, must be kept at your licensed premises for at least 12 months and be readily available for production to an authorised officer for inspection at any time during the hours of operation.

DOCUMENTS TO BE KEPT BY THE OPERATOR

35. You must keep and maintain an up to date record of **all** the drivers and vehicles operated by you for the purposes of private hire on a Driver and Vehicle List, which must include:
- a) the call sign allocated to the driver/vehicle
 - b) the driver's name and private hire badge number
 - c) the vehicle's registration and private hire plate numbers
 - d) the date the driver commenced and finished (if applicable).
36. You must obtain and retain the following documentation in respect of every vehicle and driver you operate prior to allocating them any bookings, namely:
- a) a copy of the driver's current private hire driver's licence or badge
 - b) a copy of the vehicle's current private hire vehicle licence or front identity plate
 - c) a copy of the vehicle's current MOT certificate
 - d) a copy of the vehicle's current insurance certificate or cover note in respect of the driver using the vehicle.
 - e) a copy of the Taximeter Calibration Certificate, where appropriate
37. The above documentation relating to vehicles and drivers must be retained at your licensed premises for at least 12 months after a vehicle or driver ceases to undertake work for you and be readily available for production to an authorised officer for inspection at any time during the hours of operation.

COMPLAINTS

38. You must establish a complaints procedure and take all reasonable steps to fully investigate any complaints, ensuring a record is kept of the following information:
- a) the name, contact details of complainant and date complaint received
 - b) the date, time and details/nature of the complaint
 - c) the name of the driver (and Badge number) or member of staff, to which the complaint relates
 - d) details of any action taken.

39. Upon receiving any 'specified complaint' or allegation regarding any person licensed by Birmingham City Council you must report it immediately when the licensing office is open, and in any other event immediately upon the Licensing Office next opening.
40. The specified complaints or allegations are of:
- sexual misconduct, sexual harassment or inappropriate sexual attention
 - racist behaviour
 - violence
 - dishonesty i.e. overcharging/theft
 - breach of equality legislation
41. Your records of complaints, whether retained in a book or on a computerised system, must be kept for at least 12 months at your licensed premises and be readily available for production to an authorised officer for inspection at any time during the hours of operation.

SUB-CONTRACTING JOBS

42. You must ensure that if you pass a booking to any vehicle other than a Birmingham licensed private hire vehicle, or to another operator, that you advise the customer of this at the time of booking.

Annotated version of original conditions detailing changes

PRIVATE HIRE OPERATORS

CONDITIONS OF LICENCE

INTRODUCTION

The Private Hire Operators Licence is granted subject to you complying with the following conditions. Failure to comply with any of the conditions could lead to a prosecution and/or your licence being suspended, revoked or not renewed by a Licensing Sub Committee.

CONDITIONS

FEES

1. The licence is granted on condition that all fees due to the Licensing Office in respect of its grant are payable, in full, prior to the commencement of the licence.

DETAILS TO BE REPORTED

2. If you, or any individual or company named on the application form or a manager nominated by you during the period your licence is in force, are cautioned or convicted for any offence or receive an endorsement for a motoring offence (including an endorseable fixed penalty) you must report the details, in writing, to the Licensing Office within 7 days. In the case of a motoring endorsement, you do not need to wait for your licence to be returned from the DVLA.
- 3) If you apply for or hold any hackney carriage or private hire operator, vehicle or driver licence(s) with any other council you must inform the Licensing Office, in writing and within **7 days**, of any application being refused or licence(s) being suspended or revoked and provide the following information:
 - j) The name of the council;
 - v) The licence number(s) of the licence(s) suspended or revoked;
 - vi) The date of the decision; and
 - vii) A copy of the decision notice issued by the other council giving the grounds for the action taken.
4. If you change your home address at any time you must inform the Licensing Office, in writing, within 7 days.
5. The licence is granted to you in respect of the address notified to the Licensing Office at the time of application. You can only operate from the address specified on your licence. If you intend to change the business address of the operation, you must first obtain written consent from the Licensing Office and if approved you must return your original licence for amendment. Consent will only be granted in respect of premises for which planning permission for the use of a Private Hire Operators business has already been granted.

6. You must notify the Licensing Office within 3 days of the commencement or termination of a private hire driver being operated by you or the change of their call sign by providing an updated Driver and Vehicle List.
7. You must notify the Licensing Office, in writing, of the name and details of any individual (over the age of 18) to be nominated as a person responsible for managing your business in your absence prior to their commencement in the role. Should a nominated individual cease to be employed in this capacity then you must notify the Licensing Office, in writing, within 7 days.
8. You must notify the Licensing Office, in writing, within 7 days of any change in the ownership/management/partnership of the operation as specified in your application form.

LICENSED PREMISES

9. You must ensure that at all times the premises comply with all the provisions of the Town and Country Planning Act 1990 (as amended) and the Health and Safety at Work etc Act 1974 and all other relevant legislation.
10. If you intend to let the public have access to your premises for waiting or making bookings, then you must ensure the following:
 - a) any rooms or areas provided for the public are clean, adequately heated, ventilated, well lit and have adequate seating facilities; and
 - b) a suitable public liability insurance covering the premises is obtained and is prominently displayed for viewing
11. A copy of your current private hire operator's licence must be in a prominent position within the premises for viewing.
12. If the public do not have access to your premises then upon request you must either provide a copy or permit any member of the public to view a copy of your licence. (In respect of these copies of your licence you may delete your personal address if shown on the licence.)

STAFF

13. Either you or a responsible person over the age of 18 and nominated by you in writing to the Licensing Office prior to their commencement in the role must be on the premises and in charge of the operation and immediately contactable by an authorised officer at any time during the hours of operation.
14. You must ensure that any nominated manager left in charge of the premises in your absence is fully aware of these conditions of licence (particularly those relating to the keeping and maintaining of records for drivers, vehicles and bookings), the need to comply with these conditions and be able to produce the records upon request to an authorised officer for inspection at any time during the hours of operation.
15. You must keep and maintain at your licensed premises a register of all persons employed whether full or part time, in which shall be recorded their full name, date of birth, address, national insurance number, contact telephone number, any call sign/codes they are allocated and the dates their employment commenced/terminated. Further, in relation to each employed individual, copies of supporting documentation in the form of a valid passport or a DVLA photocard

licence and utility bills of no more than 2 months old must be kept. This register must be retained at your licensed premises and be available for inspection by an authorised officer at any time during the hours of operation.

TRADING NAMES, STATIONERY & ADVERTISEMENTS

16. The Licensing Office has the right to refuse to grant an Operator's licence where the proposed business name is the same or similar to that of an existing Operator licensed by this Council or any other neighbouring council. The Licensing Office shall also have the right to refuse to grant or renew an Operator's licence where the business name is either changed or made up from a collection of other Operator names operating within this Council or any other neighbouring council.
17. You must not advertise your private hire business in any name other than that indicated on the Private Hire Operators licence.
18. You must not advertise or use stationery showing your trading name that is different to the style/format of letters, numbers or logos used within your trading name as displayed on your Operator Identification Door Signs.
19. You must not advertise your private hire business in a manner which gives rise to confusion with another private hire operator licensed by this Council or any other neighbouring council.
20. An Operator wishing to advertise in any other name or use a style/format different to that upon their Operator Identification Door Signs, must seek prior approval in writing from the Licensing Office.
21. No notice, sign or advertisement seeking to advertise or promote your business of a private hire operator, wherever it is displayed, shall consist of or include the words "TAXI" or "CAB" or "For Hire" whether in the singular or plural, or any words or devices which give any indication that the service to which the notice, sign or advertisement relates is that which can only be provided by a licensed Hackney Carriage.
22. No notice, sign or advertisement may be placed upon a private hire vehicle unless installed by an agent authorised by the Licensing Office. Advertisements may only be placed within the rear windscreen and must not involve or promote any of the following: drugs, alcohol, smoking, sex, nudity, politics or any private hire company.
23. You must ensure that staff answering your private hire telephone number(s) do so by using your trading name only.
24. You must provide your drivers with stationery that they can use for issuing receipts. The stationery shall include your trading name and space for the drivers' call sign, details of the journey and the fare paid to be recorded.

DRIVERS AND VEHICLES

25. You must only operate vehicles and drivers licensed by Birmingham City Council when responding to bookings for private hire vehicles.
26. All vehicles, their fittings and equipment operated by you shall at all times when the vehicle is in use or available for hire be kept in an efficient, safe, tidy and clean condition. In particular all data boxes, radios, PDA's or any other equipment installed

in the vehicle must be affixed to the vehicle by use of secure fittings so they cannot be easily removed in order to prevent injury or harm to the driver or passengers.

27. Mobile phones are not allowed to be used, installed, fitted to or carried in any private hire vehicle for the purpose of inviting, passing or accepting bookings for that vehicle.

METERS

28. Should a meter be fitted to any of your private hire vehicles, it must be first tested, sealed and certified by an authorised officer before it can be used for calculating fares for passengers.
29. You must not tamper with or permit any other person to tamper with the meter, its fittings, connections or seals without the written approval of the Licensing Office.

VEHICLE IDENTITY PLATES & SIGNAGE (See Appendix A)

30. The only plates and signs to be displayed on or in a private hire vehicle are:
- a) The private hire front and rear identity plates, the “Advance Bookings Only” sign and the Private Hire semi permanent rear door signs, which are issued by the Licensing Office;
 - b) The Operator Identification Door Signs, Call Sign stickers and Fare Table, which are issued by your private hire company; and
 - c) The “No Smoking” signs.

With the exception to the Conditions of Licence for Private Hire Vehicles relating to “ADVERTISEMENTS”, no other plates or signs other than those referred to above may be exhibited or displayed on or in the vehicle without the written approval of the Licensing Office.

31. All private hire vehicles operated by you must display the identity plates and signage in accordance with the Conditions of Licence for Private Hire Vehicles and in the locations specified (See Appendix A). You must regularly check your fleet of vehicles to ensure they are compliant with these Conditions.
32. The plates and signs referred to above may only be displayed on private hire vehicles licensed by Birmingham City Council. You must not cause or permit these plates or signs or any other signage similar in appearance or design to be placed on any other vehicle.
33. You must issue every private hire driver operated by you with the following signs, which they must display upon their private hire vehicle, namely:
- a) 2 operator identification door signs (Item 3 on Appendix A);
 - b) 2 call sign stickers (Item 5 on Appendix A); and
 - c) A Fare Table that lists the rates and any extras, by which all charges are calculated.
34. Your Operator Identification Door Signs must incorporate the following information:
- a) The current trading name of your operation (as specified on your licence);
 - b) A current telephone number for your operation;
 - c) The current call sign of the driver/vehicle; and
 - d) The phrase “BE BOOKED, BE INSURED”.

All letters, numbers and/or characters used in the trading name of your operation and the phrase "BE BOOKED, BE INSURED" must all be the same size and a minimum of 30 millimetres. The signs must be made using a weatherproof material.

35. Any alterations to the design of your Operator Identification Door Signs supplied at the time of your application must first be approved by the Licensing Office prior to distribution to your drivers.
36. All the plates and signs to be displayed on the vehicles must be kept clear, unobstructed and must not be altered or tampered with in anyway.
37. Any private hire vehicle operated by you, which has been granted exemption from displaying any identification plate or sign must carry the letter issued by the Licensing Office confirming the exemption at all times and the letter should be available for inspection by an authorised Officer at any time.

RECORDS OF BOOKINGS

38. You must keep a record of all private hire bookings in the manner prescribed (See Condition 42 below).
39. Unless specific consent is given to you, in writing, to the contrary you are required to keep the records of all bookings in a suitable hard back book which has consecutive page numbers. Should you wish to use a computerised system, then you must first obtain consent in writing from the Licensing Office.
40. If you use a book for recording your bookings, you must ensure the entries are clearly and easily legible.
41. If you have a computerised booking system, you must ensure it is able to produce a print out of any records requested by an authorised officer at all times.
42. Before a booking is dispatched to a driver and the journey is commenced, the following particulars must be recorded in your book or on your computerised system:
 - ai) The name and signature of the person making the record and the radio operator for each period of duty - Record Book only;
 - a ii) The code for the person making the record - Computerised system only;
 - b) The time and date of the booking;
 - c) The name of the hirer;
 - d) The time and pick up point;
 - e) The place of destination;
 - f) The time a vehicle was allocated the booking;
 - g) The driver's call sign or registration number of the vehicle allocated the booking; and
 - h) The fare agreed for the journey (where appropriate).
43. When allocating a booking to a driver, you must provide them with all of the following details:
 - a) The name of the hirer;
 - b) The time and pick up point;
 - c) The place of destination; and
 - d) The fare (if applicable).

44. You must not accept or record details of any booking passed to you by a driver.
45. Your records of all private hire bookings, whether retained in a book or on a computerised system, must be kept at your licensed premises for at least 12 months and be readily available for production to an authorised officer for inspection at any time during the hours of operation.

SUBCONTRACTING BOOKINGS

46. You may only sub-contract a booking to another Operator licensed by Birmingham City Council and both Operators must keep a record of the booking. (The contract and responsibility for the booking remains between the Operator that took the booking and the hirer.)

DOCUMENTS TO BE KEPT BY THE OPERATOR

47. You must keep and maintain an up to date record of all the private hire drivers and vehicles operated by you on a Driver and Vehicle List, which must include:
 - a) The call sign allocated to the driver/vehicle;
 - b) The driver's name and private hire badge number;
 - c) The vehicle's registration and private hire plate number; and
 - d) The date the driver commenced and finished (if applicable).
48. You must obtain and retain the following documentation in respect of every vehicle and driver you operate prior to allocating them any bookings, namely:-
 - a) A copy of the driver's current private hire driver's licence or badge;
 - b) A copy of the vehicle's current private hire vehicle licence or front identity plate;
 - c) A copy of the vehicle's current MOT certificate; and
 - d) A copy of the vehicle's current insurance certificate or cover note in respect of the driver using the vehicle.
49. The above documentation relating to vehicles and drivers must be retained at your licensed premises for at least 12 months and be readily available for production to an authorised officer for inspection at any time during the hours of operation.

PRIVATE HIRE VEHICLES FLEET POLICIES

50. Operators using vehicles under a fleet policy should ensure that details of each Private Hire Vehicle are listed on the insurance certificate, the schedule, or the policy itself.

PSV VEHICLES, DRIVERS & RECORDS

51. If you operate vehicles having in excess of 8 passenger seats (PSVs) for undertaking private hire bookings then you must ensure that you have the appropriate Operators Licence issued by VOSA.
52. You must ensure that your PSV vehicles display the discs issued by VOSA and your drivers have the appropriate licences to drive such vehicles.

53. The records maintained in respect of these vehicles, drivers and private hire bookings must be readily available for production to an authorised officer for inspection at any time during the hours of operation.

ASSISTANCE DOGS & WHEELCHAIR USERS

54. You must not refuse to accept the hiring of a vehicle merely because the passenger is accompanied by a guide dog or assistance dog.
55. You must not make any additional charge for the carriage of a guide or assistance dog, the conveyance of a wheelchair, or other equipment required by a person suffering from a disability.

COMPLAINTS

56. You must establish a complaints procedure and take all reasonable steps to fully investigate any complaints, ensuring a record is kept of the following information:
- a) Name, contact details of complainant and date complaint received;
 - b) Date, time and details/nature of complaint;
 - c) Name of driver (and Badge number) or member of staff, to which the complaint relates; and
 - d) Details of action taken.
57. Your records of complaints, whether retained in a book or on a computerised system, must be kept for at least 12 months at your licensed premises and be readily available for production to an authorised officer for inspection at any time during the hours of operation.

GUIDANCE NOTES

If you have any difficulty in understanding the implications of any of the above conditions, please let the Licensing Office know immediately so that arrangements can be made to assist you in that respect.

If you are aggrieved by any of the conditions attached to this licence you may make an application for exemption from them and attend a hearing before the Licensing Sub Committee, alternatively you can appeal to a Magistrates Court within 21 days of the service of this licence on you.

ADVISORY

The Equality Act 2010 brings together a number of existing laws into one place so that it is easier to use. It sets out the personal characteristics that are protected by the law and the behaviour that is unlawful.

Under the Act people are not allowed to discriminate, harass or victimise another person because they have any of the protected characteristics including disability. The act gives examples of unacceptable behaviour whilst the Equality Commission web site (www.equalityhumanrights.com) gives examples of best practice.

Smoke Free Legislation

Private Hire Vehicles and 'Taxis' are smoke free vehicles and nobody may smoke within these vehicles. Appropriate 'No Smoking' signage must be displayed in the vehicle. Furthermore, any enclosed premise that is used as a workplace or is used by the public, for example, making bookings, must be smoke-free. Failing to prevent smoking in a smoke free place can lead to prosecution and a maximum fine of £2,500 being imposed on whoever

manages or controls the smoke-free premises or vehicle. For further advice and guidance on this matter please go to www.smokefreeengland.co.uk

Consumer Protection from Unfair Trading Regulations 2008

Under the provisions of the above legislation, any licensed Operator marketing a product (including comparative advertising) that creates confusion with any products, trade names or other distinguishing marks of a competitor may be committing an offence.

Sale of Alcohol

Sale of alcohol is a licensable activity under the Licensing Act 2003. Sale of alcohol is prohibited on a moving vehicle. If a sale of alcohol is made as part of a booking arrangement that sale must be authorised in accordance with the Licensing Act 2003. For further advice and guidance please contact the Licensing Office on 0121 303 8222, or visit www.culture.gov.uk

Safety of Drivers

You are responsible for taking clear and accurate details of your passenger's bookings and passing these details to your drivers to ensure they can identify and pick up the correct passenger(s). Failure to record and pass on clear instructions to your drivers may put their personal safety at risk and leave them liable to infringe the law.

Guidance for Operators

Guidance for Private Hire Operator licence holders.

INTRODUCTION

All licences issued by the Council in connection with the driving and operation of Private Hire Vehicles are issued in accordance with the provisions of Part 2 of the Local Government (Miscellaneous Provisions) Act 1976.

Operators, Drivers and Proprietors should be familiar with this Act, the provisions of the Town Police Clauses Act 1847 and the Equality Act 2010 as it affects Private Hire Drivers and Operators.

Exceptions to vary conditions will be recorded on the licence with the reason for the variance.

Background

The Local Government (Miscellaneous Provisions) Act, 1976 (LGMP) serves to provide a licensing framework within which conditions can be placed upon drivers, vehicles and operators making private contracts for the hire of a vehicle with a driver. The primary purpose of the legislation is to protect the interests and safety of the travelling public. At the time of its inception, Private Hire was primarily concerned with the provision of domestic vehicles to undertake relatively short local journeys.

The Private Hire sector has grown and extended significantly and there is now a much wider range of vehicles and services and newer technology continues to provide ever more innovative ways of booking those services.

The Road Safety Act, 2006, along with best practice guidance issued by the Department for Transport (dft) has caused Birmingham City Council to consider licensing a wider range of vehicles and services, including limousines and novelty vehicles. This guidance applies to the more standard types of saloon, hatchback, people carrier, or wheelchair accessible vehicles.

The operation of a business involving Private Hire vehicles is subject to the same business, legal and public safety principles as other areas of activity licensed by the Local Authority.

Public safety is always paramount and it is very important to Birmingham City Council that Operators fit comfortably into their environment and are not the cause of nuisance in residential areas. Operators should contribute positively to the image of the City and take ownership of their civic responsibilities.

Operators can make a significant contribution to public safety by ensuring that they and their drivers adhere to this guidance and the various conditions of licence by which they are bound.

The aim of the guidance is to increase professionalism within the trade through business improvements and best practice; encouraging improvements to customer service and public safety.

Customer focus, business improvements and best practice

Corporate clothing (shirt or outer garment)

There are distinct benefits to be gained in terms of enhanced safety for customers and improving the image of the private hire trade across the city. There appears to be a positive link between supplying a uniform style shirt with the company logo on it and improved customer satisfaction, along with a perception of an Operator having a more professional outlook. Whilst it is considered to fall outside the remit of The Licensing Service to require Operators to introduce corporate clothing for their drivers, it is recommended as best practice.

Staff training and public access to private hire operator premises and health and safety considerations

It is good practice for all Private Hire Operators employing call handling staff to ensure they have all received:

- Accredited customer service training
- Data protection training
- Have been subject to a DBS check

DBS disclosure is considered important because of the amount of personal and secure information that can be collected. The practice of using totally unqualified and untrained staff is not best practice and may have a detrimental effect on customer perceptions of an Operator's professionalism. It may also contribute to perceptions that within the trade, people are 'employed' outside the normal scope of employment law, HM Revenue and Customs arrangements and minimum wage legislation.

The Data Commissioner retains responsibility for monitoring the Private Hire Operator in the role of 'data controller'. However, in the event of data security breaches, the Licensing Authority reserves the right to take compliance or other formal action against a private hire operator to reduce the risk of crime or danger to public safety. Where there is a public waiting area, measures must be in place to keep all personal audio and written data private and secure.

An Operator is responsible for the safety of staff and the public on the premises and Operators are advised to undertake a full review by an appropriately qualified health and safety officer. Other areas of business may fall under the remit of HM Revenue and Customs or the Health and Safety Executive and Licensing Officers may inform the appropriate regulatory body if they have concerns, especially where public safety issues are identified.

Record of driver hours

In contrast to the regulation of hours worked by a PSV or HGV driver, the average self-employed Private Hire Driver is under no such legal restriction. Where they are subject to a contract of employment with a Private Hire Operator there is a restriction of 48 hours per week averaged over a

17 week period, but that is the only legal constraint. The consequences of driver fatigue are identified all too often following a serious road traffic collision and whilst the driver may be held accountable for any subsequent serious injury or fatality, it is an issue that the Private Hire Operator should be aware of. There are many full time drivers but also others who use their Private Hire driver's licence as a secondary form of income.

This issue requires awareness on the part of Private Hire Operator and it would be best practice for Operators to be alert to the signs of tiredness and exhaustion. Operators are in a position to identify drivers who work excessively long hours for their companies and may wish to consider their own potential liability if they fail to take full account of such issues when entering into a contractual arrangement with a customer..

Fare awareness

This is often the subject of complaint by the travelling public and is frequently a cause of arguments. That situation can be improved by providing clearer information at the time of booking, displaying a notice showing how fares are calculated on Private Hire Operator web-sites and making similar provision in public waiting areas. It would be helpful if it was pointed out "fares can be agreed before the journey". Where a vehicle uses a meter, this should be clearly explained as should any occasion when it is not used (pre-arranged contract fares, out of Licensing District fares etc.).

The more information that can be made available to passengers, the better it is for your driver, your business reputation and of course the public. Being 'upfront' with fares and pricing information can help reduce the risk of escalating arguments and create a safer environment for drivers.

Vehicles operated under the licence – planning regulations

Planning legislation has primacy and responsibility for enforcing breaches of planning rests with that department and cannot be undertaken by Licensing Officers. However Licensing Officers will support communities where complaints are made in assisting enforcement by planning and other Regulatory Officers and by seeking an early resolution to problems through contact with the relevant Private Hire Operator.

Safety standards of licensed vehicles under the operating licence

To increase public safety and reduce the risk of prosecution to themselves, Private Hire Operators are strongly advised to maintain a monthly record of vehicle inspections carried out by them on their operating licence to ensure checks on tyres, Council livery, accident damage, condition of interior etc., as prescribed by the Council and a check list of expiry dates of the Private Hire driver licence, Private Hire vehicle licence and MOT expiry dates. The personal responsibility of the licensed Private Hire Operator for the safety of their customer is inescapable and each Private Hire Operator should be able to demonstrate their commitment to road safety.

TRADING NAME

It is a pre-requisite to the grant of a Private Hire Operator licence to ensure that any potential confusion is removed when a preferred operating name is put forward. This would also apply to

those names which might conflict with operating names already in use within a neighbouring Local Authority.

The Licensing Service reserves the right to refuse the grant or renewal an Operator's licence where the business name is either changed or made up from a collection of other Operator names operating within the boundaries of this Council or any other neighbouring Local Authority.

It is not intended to put restrictions on the appropriate or innovative naming of a Private Hire businesses, but attempts to take advantage of the good name and reputation of existing businesses in Birmingham and in surrounding areas have been a regular source of frustration to the trade and officers alike. Similarly, there are examples of a Private Hire Operator selling a business only to attempt to open another with a very similar name almost immediately. Sometimes this has not been dealt with adequately within the contractual arrangements and can lead to confusion for the public and ill will within the trade.

PSV VEHICLES, DRIVERS & RECORDS

If you operate vehicles having in excess of 8 passenger seats (PSVs) for undertaking private hire bookings then you must ensure that you have the appropriate Operators Licence issued by VOSA.

You must ensure that your PSV vehicles display the discs issued by VOSA and your drivers have the appropriate licences to drive such vehicles. You must also comply with driver's hours regulations and ensure vehicles are properly equipped with tachometers. The Licensing Service is not responsible for your PSV operation, but officers will co-operate with VOSA inspectors, particularly where public safety problems are identified.

PRIVATE HIRE VEHICLE FLEET POLICIES

Operators using vehicles under a fleet policy should ensure that details of each Private Hire Vehicle are listed on the insurance certificate, the schedule, or the policy itself.

ASSISTANCE DOGS & WHEELCHAIR USERS

The Equality Act 2010 brings together a number of existing laws into one place so that it is easier to use. It sets out the personal characteristics that are protected by the law and the behaviour that is unlawful.

Under the Act people are not allowed to discriminate, harass or victimise another person because they have any of the protected characteristics including disability. The act gives examples of unacceptable behaviour whilst the Equality Commission web site (www.equalityhumanrights.com) gives examples of best practice.

You must not refuse to accept the hiring of a vehicle merely because the passenger is accompanied by an assistance dog.

You must not make any additional charge for the carriage of an assistance dog, the conveyance of a wheelchair, or other equipment required by a person suffering from a disability.

SUBCONTRACTING BOOKINGS

The **Deregulation Act 2015** introduced provisions allowing an Operator to sub-contract a booking to another Licensed Operator outside the Controlled District of Birmingham. Both Operators must keep a record of the booking and the contract and responsibility for the booking remains with the Operator who took the original booking from the hirer. **Operators cannot pass bookings directly to drivers from other areas even if they work for the same company.**

For example, a Birmingham Operator can pass a job to his licensed base in Solihull, which in turn can pass the job to a Solihull licensed driver. A Birmingham operator cannot pass a job directly to a Solihull licensed driver, even if the driver works for the Solihull branch of the same company. Where such practice happens, both operator and driver are committing offences and could be prosecuted.

TOUTING

The operator shall not:

- a) Tout or solicit any person to hire or be carried for hire in any private hire vehicle;
- b) Cause or procure any other person (a marshal for instance) to tout or solicit any person to hire or be carried for hire in any private hire vehicle

see Criminal Justice and Public Order Act 1994 s167

Licensed Premises

With the event of 'app' technology there may be no necessity for potential customers to visit an Operator base. Accordingly the previous requirement has been adjusted to reflect new operating practices.

Where the facility for customers to visit the premises to book does exist, Private Hire Operators are reminded of the best practice guidance under 'Staff training and public access to Private Hire Operator premises'. The premises shall be kept clean, adequately illuminated, heated and ventilated and shall conform to any other relevant legal requirements.

Licence holders need to be acutely aware of the risks associated with children or young people frequenting premises for non- business purposes and there can be no compromise in the necessity of the Private Hire Operator to intervene and stop such activity.

Licensed premises may be targeted by criminals using drivers to facilitate the grooming of children, trafficking, or to supply drugs or contraband tobacco etc.

It is expected the assistance of the Police will be sought if an Operator becomes aware of such activity taking place on his premises. However, that does not diminish the responsibility of the Private Hire Operator to tightly control and prevent such occurrences. With such strong cautionary advice issued alongside the licence, Private Hire Operators need to consider how failure to take reasonable measures to guard against such criminal activity taking place on their premises might be used in any criminal proceedings.

The licence is granted in respect of the address notified to the Licensing Office at the time of application. You can only operate from the address specified on your licence. If you intend to change the business address of the operation, you must first obtain written consent from the Licensing Office and if approved you must return your original licence for amendment. Consent will only be granted in respect of premises for which planning permission for the use of a Private Hire Operators business has already been granted.

Advertisements

There are some restrictions regarding the words that may be used in your trading names and advertisements. Any trading name or advert for a Birmingham PHV business cannot include the words 'taxi', 'taxis', 'cab' or 'cabs', or any word so closely resembling any of those words as to be likely to be mistaken for it. This includes using such words in website addresses.

You can use the word 'minicab', 'mini-cab' or 'mini cab' (whether in the singular or plural) in your adverts.

While the following list is not exhaustive, an advert includes:

- business cards, letter headed paper, compliment slips and posters,
- signage, including on shop fronts, other premises (e.g. supermarkets, hospitals, nightclubs etc) and licensed private hire vehicles
- email addresses – e.g. digbethcabs@google.co.uk could not be used as an email address for your passengers to make bookings but you could use digbethminicabs@google.co.uk
- websites and website addresses – e.g. www.digbeth-taxis.co.uk could not be used but you could use www.digbeth-minicabs.co.uk. You must also make sure that photos or animations on websites do not show taxis/black cabs or give the impression that a taxi/black cab service is provided.
- telephone numbers – e.g. if your telephone number is 0845 222 1234 you could not advertise this as 0845 CAB 1234
- recorded telephone messages and answer machine messages – e.g. your message should not say 'Thank you for calling Digbeth Cabs' however you could say 'Thank you for calling Digbeth Cars'.

In short, any advert that you issue must make it clear that you are providing a private hire service. Some examples of phrases that you may use in your adverts are:

- Mini-cab service
- Executive car hire
- Private hire service

You should also be aware that most customers will want to verify that you are licensed before they use your services. Your adverts should therefore contain sufficient information for potential customers to be able to identify you.

Information on your website

To prove that you are a bona fide operator, you should consider displaying the following information on your website:

- your company name;
- the trading names that are specified on your operator's licence;
- your trading address(es);
- the telephone number for accepting bookings;
- your VAT registration number (if applicable);
- your email address;
- your licence number;
- the fact that you are licensed by BCC and BCC's contact details; and
- if the business in question is incorporated as a company, its registered number, the address of its registered office and the part of the UK in which it is registered.

For other types of adverts (e.g. business cards), you should at least specify your trading name and your operator's licence number.

Smoke Free Legislation

Private Hire Vehicles and 'Taxis' are smoke free vehicles and nobody may smoke within these vehicles at any time. Appropriate 'No Smoking' signage must be displayed in the vehicle.

Any enclosed premises used as a workplace or used by the public, for example to make bookings, must be smoke-free. Failing to prevent smoking in a smoke free place can lead to prosecution and a maximum fine of £2,500 being imposed on whoever manages or controls the smoke-free premises or vehicle. For further advice and guidance on this matter please go to www.smokefreengland.co.uk

Consumer Protection from Unfair Trading Regulations 2008

Under the provisions of the above legislation, any licensed Operator marketing a product (including comparative advertising) that creates confusion with any products, trade names or other distinguishing marks of a competitor may be committing an offence.

Sale of Alcohol

Sale of alcohol is a licensable activity under the Licensing Act 2003. Sale of alcohol is prohibited on a moving vehicle. If a sale of alcohol is made as part of a booking arrangement that sale must be authorised in accordance with the Licensing Act 2003. For further advice and guidance please contact the Licensing Office on 0121 303 8222, or visit www.culture.gov.uk

Safety of Drivers

Operators are responsible for taking clear and accurate details of a passenger's booking and passing those details to their drivers to ensure they can identify and pick up the correct passenger(s). Failure to record and pass on clear instructions to drivers may put their personal safety at risk and leave them vulnerable to breaches of legislation in their own right.

Initial Draft Sent Out For Consultation

Background

The Local Government (Miscellaneous Provisions) Act, 1976 (LGMP), was created to enable Conditions of safety to be placed upon drivers, vehicles and Operators making private contracts for vehicle with driver hire services. Private Hire at that time was concentrated on saloon vehicles offering, in the main, local journeys.

The Private Hire sector has grown and extended significantly and there are now a much wider range of vehicles, services and availability of technology to assist in booking a service.

The Road Safety Act, 2006, along with best practice guidance issued by the Department for Transport (dft) has caused Birmingham City Council to consider licensing a wide range of vehicles and services. This policy applies to the more standard types of saloon or wheelchair accessible vehicles.

Policy Statement

The issues around the operating of a business involving Private Hire vehicles has the same business, legal and public safety principles as other areas of licensed activity by the Local Authority.

Public safety is paramount. It is very important to Birmingham City Council that Operators also fit comfortably into their environment and are not the cause of residential nuisance and contribute positively to the image of the City and take ownership of a civic responsibility.

Operators are a major factor in contributing to public safety by ensuring that they and their drivers adhere to this policy and the conditions upon the various licences.

The aim of the policy is to increase the professionalism of the trade through business improvements and best practice; increasing both the level of customer service offered and that of public safety.

Elected Members of the Council approved the policy and conditions and were emphatic in insisting that licensed Operators carry a significant responsibility in meeting the expectations of the public and contributing positively to public safety. Members asked that the licensing responsibilities and expectations of the Council were impressed upon Operators.

Some of the issues associated to particular conditions are illustrated as footnotes to assist those who are the subject of the conditions, or those who apply them, to do so consistently.

Customer focus, business improvements and best practice – none policy issues

In preparing this policy and conditions there was consultation with both the licensed trade and the general public.

Some suggestions raised during consultation have been grouped under this heading, but they do not form part of the approved policy. The controlling legislation, or liability for certain acts, or failures to act, might lie within other specific legislation. The Council feels that those areas should remain outside of conditions attached to a Private Hire Operator licence, but nevertheless are worthy of highlighting as good practice. Significant breaches of other

primary legislation might still be considered as factors contributing to a 'fit and proper person' test.

Corporate clothing (shirt or outer garment)

There are distinct benefits for this in terms of enhanced safety for customers and also improving the image of the trade in the city. There appears to be a positive link in supplying a uniform style shirt with the company logo on it and customer satisfaction along with the professional outlook of the Operator. However, it is thought to be beyond licensing control but should be considered as a good business practice by Private Hire Operators.

Staff training and public access to private hire operator premises and health and safety considerations

It would be good practice for each Private Hire Operator (except single vehicle companies) to ensure that all of their call handling staff have received:

- Accredited customer service training
- Data protection training
- Be subject to a DBS

DBS disclosure is thought to be important considering the amount of personal and secure information that can be collected. It is felt that the practice of using totally unqualified or untrained staff is inappropriate. Concerns within the trade are that people are 'employed' outside of all of the employment law, HM Revenue and Customs arrangements, minimum wage legislation and outside of other financial scrutiny arrangements that should be in place.

The Data Commissioner retains responsibility for monitoring the 'data controller' the Private Hire Operator. However, if there were to be breaches of data security the Council reserves the right to take compliance or other formal action against the private hire operator to reduce the risk of crime or danger to public safety. HM Revenue and Customs or the Health and Safety Executive are the appropriate authority for some of the proposals. Whilst there may be some issues which might be poor business practice or worse it is thought to be beyond licensing control.

Where there is a public waiting area, measures must be in place to keep all personal audio and written data private and secure.

As the Operator you are responsible for the safety of staff and the public on the premises and you are advised to undertake a full review by an appropriately qualified health and safety officer.

Officers may inform the appropriate regulatory body if they have a concern.

Record of driver hours

In contrast to the regulation of hours worked by a PSV or HGV driver, a self-employed Private Hire driver has no such legal restrictions on them. If they were the subject of a contract of employment with the Private Hire Operator then there would be a restriction of 48 hours per week averaged over a 17 week period, but that is the only legal constraint. The consequences of driver fatigue all too often appear following some serious road traffic collision and whilst the driver may be held accountable for any subsequent fatality it is an issue that the Private Hire Operator should be aware of when they use a Private Hire driver in those circumstances. There are many full time drivers but also others who use their Private Hire driver licence as a secondary form of income.

This issue requires an awareness by Private Hire Operator's and it would be best practice for Private Hire Operator's to be alert to the signs of tiredness and exhaustion and you may wish to consider your own liability in not taking full account of such issues when entering into a contract arrangement with a customer.

Fare awareness

This is often the subject of complaint by the travelling public and is frequently the root of arguments. That situation can be improved upon by clearer information at the time of booking and a visible notice showing how fares are calculated on the Private Hire Operator web-site or public waiting area, to be easily read by any person seeking to hire a Private Hire vehicle or Hackney Carriage at those premises. It would be helpful if at every point of producing such information it was pointed out "fares should be agreed before the journey". Where the vehicle uses a meter, this should be clearly explained and on what occasions it is not used (pre-arranged contract fares, out of Licensing District fares etc.).

The more information that can be visible to passengers the better it is for your driver, your business reputation, and, of course, the public. Being 'upfront' with this can help reduce the risk of escalating arguments and create a safer environment for the driver.

Vehicles operated under the licence – planning regulations

Planning legislation has primacy and responsibility for enforcing breaches of planning rests with that department and cannot be undertaken by Licensing Officers. However Licensing Officers will support communities where complaints are made in assisting enforcement by planning and Regulatory Officers and also by seeking an early resolution to a problem through the relevant Private Hire Operator.

Safety standards of licensed vehicles under the operating licence

Officers have already presented a report to Members explaining that they will consider the prosecution of Private Hire Operators for defective vehicles used in the course of their business and it is intended to continue with that theme and also offences where there is no vehicle insurance in place.

On rare occasions that may be out of the control of the Private Hire Operator but control measures can be put in place which would help the Private Hire Operator reduce their personal risk of prosecution and increase public safety.

To increase public safety and reduce the risk of prosecution to themselves, Private Hire Operators are strongly advised to maintain a monthly record of vehicle inspections carried out by them on their operating licence to ensure checks on tyres, Council livery, accident damage, condition of interior etc., as prescribed by the Council and a check list of expiry dates of the Private Hire driver licence, Private Hire vehicle licence and MOT expiry dates. The personal responsibility of the licensed Private Hire Operator for the safety of their customer is inescapable and each Private Hire Operator should be able to demonstrate their commitment to road safety.

Set out in this booklet are the pre-conditions to the consideration of the grant of a Private Hire Operator licence. Additionally, once licensed, a Private Hire Operator must continue to meet these standard pre-conditions.

PRIVATE HIRE OPERATORS CONDITIONS OF LICENCE

INTRODUCTION

Local Government (Miscellaneous Provisions) Act, 1976 Part 2

All licences issued by the Council in connection with the driving and operation of Private Hire vehicles are in accordance with the provisions of the 1976 Act. Operators, Drivers and Proprietors should be familiar with this Act, the provisions of the Town Police Clauses Act and the Equality Act effecting Private Hire licences.

The following Conditions apply to all Operators of Private Hire vehicles, licensed or seeking to be licensed. In certain circumstances additional appropriate Conditions may be attached to an individual licence which could be set out as an addendum, by way of a formal notice served upon the licensed Operator.

Exceptions to vary conditions will be recorded on the licence and the reason for the variance.

The Council informs of changes to its Conditions by publicising them in a variety of ways. It is the responsibility of the licence holder to be familiar with those changes and seek appropriate advice and guidance if in doubt.

The Private Hire Operators Licence is granted subject to you complying with the following conditions. Failure to comply with any of the conditions could lead to a prosecution and/or your licence being suspended, revoked or not renewed by a Licensing Sub Committee.

CONDITIONS

FEES

1. The licence is granted on condition that all fees due to the Licensing Office in respect of its grant are payable, in full, prior to the commencement of the licence.

DETAILS TO BE REPORTED

2. Any of the following events that affect you, or any individual or company named on the application form or a manager nominated by you during the period your licence is in force must be reported in writing to the Licensing office within **7 days** giving full details:
 - i) any conviction or finding of guilt (criminal or driving matter);
 - j) any caution (issued by the Police or any other agency);
 - k) issue of any Magistrate's Court summons against them;
 - l) issue of any fixed penalty notice for any matter;
 - m) any harassment or other form of warning or order within the criminal law including Anti-Social Behaviour Orders or similar;
 - n) any civil injunction;
 - o) their arrest for any offence (whether or not charged);
 - p) receive an endorsement for a motoring offence (including an endorseable fixed penalty).

In the case of a motoring endorsement, **do not wait** for your licence to be returned from the DVLA.

3. If you apply for or hold any hackney carriage or private hire operator, vehicle or driver licence(s) with any other council you must inform the Licensing Office, in writing and within **7 days**, of any application being refused or licence(s) being suspended or revoked and provide the following information:
 - k) The name of the council;
 - viii) The licence number(s) of the licence(s) suspended or revoked;
 - ix) The date of the decision; and
 - x) A copy of the decision notice issued by the other council giving the grounds for the action taken.
4. If you change your home address at any time you must inform the Licensing Office, in writing, within 7 days.
5. The licence is granted to you in respect of the address notified to the Licensing Office at the time of application. You can only operate from the address specified on your licence. If you intend to change the business address of the operation, you must first obtain written consent from the Licensing Office and if approved you must return your original licence for amendment. Consent will only be granted in respect of premises for which planning permission for the use of a Private Hire Operators business has already been granted.
6. You must notify the Licensing Office within 3 days of the commencement or termination of a private hire driver being operated by you or the change of their call sign by providing an updated Driver and Vehicle List.
7. You must notify the Licensing Office, in writing, of the name and details of any individual to be nominated as a person responsible for managing your business in your absence prior to their commencement in the role. Should a nominated individual cease to be employed in this capacity then you must notify the Licensing Office, in writing, within 7 days.
8. You must notify the Licensing Office, in writing, within 7 days of any change in the ownership/management/partnership of the operation as specified in your application form.

LICENSED PREMISES¹

9. The current Operator licence and conditions must be displayed at the business premises to which the licence relates in a prominent position at all times in view of the general public with the exception of such times as the licence is presented to the Licensing Authority for amendment, or it is required to be produced for inspection by an Authorised Officer of the Licensing Authority or a Police Constable.
10. If the public do not have access to your premises then upon request you must either provide a copy or permit any member of the public to view a copy of your licence and conditions. (In respect of these copies of your licence you may delete your personal address if shown on the licence.)

STAFF

11. Either you or a responsible person over the age of 18 and nominated by you in writing to the Licensing Office prior to their commencement in the role must be in charge of the operation and immediately contactable by an authorised officer at any time during the hours of operation.
12. You must ensure that any nominated manager left in charge of the premises in your absence is fully aware of these conditions of licence (particularly those relating to the keeping and maintaining of records for drivers, vehicles and bookings), the need to comply with these conditions and be able to produce the records upon request to an authorised officer for inspection at any time during the hours of operation.
13. You must keep and maintain at your licensed premises a register of all persons employed whether full or part time, in which shall be recorded their full name, date of birth, address, national insurance number, contact telephone number, any call sign/codes they are allocated and the dates their employment commenced/terminated.

Further, in relation to each employed individual, copies of supporting documentation in the form of a valid passport or a DVLA photocard licence and utility bills of no more than 2 months old must be kept. This register must be retained at your licensed premises and be available for inspection by an authorised officer at any time during the hours of operation.

TRADING NAME²

14. It is a pre-requisite to the grant of a Private Hire Operator licence to ensure that any potential confusion is removed when a preferred operating name is put forward. This would also apply to those names which might conflict with the operating name within a neighbouring Local Authority.

The Licensing Office also have the right to refuse to grant or renew an Operator's licence where the business name is either changed or made up from a collection of other Operator names operating within this Council or any other neighbouring council.

STATIONERY & ADVERTISEMENTS

15. You must not advertise your private hire business in any name other than that indicated on the Private Hire Operators licence.
16. You must not advertise or use stationery showing your trading name that is different to the style/format of letters, numbers or logos used within your trading name as displayed on your Operator Identification Door Signs.
17. You must not advertise your private hire business in a manner which gives rise to confusion with another private hire operator licensed by this Council or any other neighbouring council.
18. An Operator wishing to advertise in any other name or use a style/format different to that upon their Operator Identification Door Signs, must seek prior approval in writing from the Licensing Office.

19. No notice, sign or advertisement seeking to advertise or promote your business of a private hire operator, wherever it is displayed, shall consist of or include the words "TAXI" or "CAB" or "For Hire" whether in the singular or plural, or any words or devices which give any indication that the service to which the notice, sign or advertisement relates is that which can only be provided by a licensed Hackney Carriage.³
20. You must ensure that staff answering your private hire telephone number(s) does so by using your trading name only.
21. You must provide your drivers with stationery that they can use for issuing receipts. The stationery shall include your trading name and space for the drivers' call sign, details of the journey and the fare paid to be recorded.

DRIVERS AND VEHICLES

22. Private Hire Operators in the City of Birmingham shall only operate with vehicles and drivers licensed by the Birmingham City Council and shall operate only from premises within the City boundary.
23. Mobile phones or smart phones are not allowed to be used, installed, fitted to or carried in any private hire vehicle for the purpose of inviting, passing or accepting bookings for that vehicle, except where such a device is installed for the exclusive purpose of housing a PDA or PDA software for the purposes of dispatch of that PHV.

METERS

24. Should a meter be fitted to any of your private hire vehicles, it must be first tested, sealed and certified by an authorised officer before it can be used for calculating fares for passengers.
25. You must not tamper with or permit any other person to tamper with the meter, its fittings, connections or seals without the written approval of the Licensing Office.
26. *Something here about the use of apps to calculate fares and defaults to the shortest route*

VEHICLE IDENTITY PLATES & SIGNAGE (See Appendix A)

27. Before operating any PHV Licensed by Birmingham City Council the operator will ensure that the only plates and signs displayed on or in a private hire vehicle are:
 - a) The private hire front and rear identity plates and the Private Hire semi-permanent rear door signs, which are issued by the Licensing Office;
 - b) The Operator Identification Door Signs, Call Sign stickers and Fare Table, which are issued by your private hire company; and
 - c) The "No Smoking" signs.
28. No notice, sign or advertisement may be placed upon a private hire vehicle unless installed by an agent authorised by the Licensing Office. *(should this be in the signage policy?)*
29. With the exception to the Conditions of Licence for Private Hire Vehicles relating to "ADVERTISING", no other plates or signs other than those referred to above may be

exhibited or displayed on or in the vehicle without the written approval of the Licensing Office.

30. All private hire vehicles operated by you must display the identity plates and signage in accordance with the Conditions of Licence for Private Hire Vehicles and in the locations specified (See Appendix A). You must regularly check your all vehicles operated by you to ensure they are compliant with these Conditions. A record of those checks should be made available to an authorised officer on request.
31. Where a Hackney Carriage vehicle is licensed by another Authority, such a Hackney Carriage driver or Hackney Carriage vehicle is expressly prohibited from using any literature, any documentation, any advertising or displaying any signage associated to the Private Hire Operator or Birmingham City Council which suggests or might lead to a misunderstanding that the vehicle is licensed by this Authority.
32. You must issue every private hire driver operated by you with the following signs, which they must display upon their private hire vehicle, namely:
 - a) 2 operator identification door signs (Item 3 on Appendix A);
 - b) 2 call sign stickers (Item 5 on Appendix A); and
 - c) A Fare Table that lists the rates and any extras, by which all charges are calculated.
33. Your approved Operator Identification Door Signs must incorporate the following information:
 - a) The current trading name of your operation (as specified on your licence);
 - b) A current telephone number for your operation;
 - c) The current call sign of the driver/vehicle; and
 - d) The phrase **"BE BOOKED, BE INSURED"**. (should this say NOT BOOKED, NOT LEGAL?)

The phrase **"BE BOOKED, BE INSURED"** must be a minimum of 30 millimetres in BOLD Arial font. The signs must be made using a weatherproof material.
34. Any alterations to the design of your Operator Identification Door Signs supplied at the time of your application must first be approved by the Licensing Office prior to distribution to your drivers.
35. Only one approved door sign can be used all previous versions must be removed from circulation.
36. Any private hire vehicle operated by you, which has been granted exemption from displaying any identification plate or sign must carry the letter issued by the Licensing Office confirming the exemption at all times and the letter should be available for inspection by an authorised Officer at any time.

RECORDS OF BOOKINGS

37. You must keep a record of all private hire bookings in the manner prescribed (See Condition 42 below).
38. Unless specific consent is given to you, in writing, to the contrary you are required to keep the records of all bookings in a suitable hard back book which has consecutive page numbers. You must ensure the entries are clearly and easily legible.

39. Should you wish to use a computerised system, then you must first obtain consent in writing from the Licensing Office.
40. If you have a computerised booking system, you must ensure it is able to produce a print out of any records requested by an authorised officer at all times.
41. The Private Hire Operator, before the commencement of each journey, shall enter or cause to be entered in the record book or computer data base the following details for every booking of a Private Hire Vehicle invited or accepted by the operator or their agent:
 - ai) The name and signature of the person making the record and the radio operator for each period of duty - Record Book only;
 - a ii) The code for the person making the record - Computerised system only;
 - b) The date on which the booking is made and, if different, the date of the proposed journey;
 - c) The name of the person for whom the booking is made or some means of identifying them, or, if more than one person, the name or means of identifying one of them;
 - d) The agreed time and place of collection, or, if more than one, the agreed time and place of the first;;
 - e) The main destination specified at the time of the booking (see below);
 - f) The time a vehicle was allocated the booking;
 - g) The driver's call sign or registration number of the vehicle allocated the booking; and
 - h) The fare agreed for the journey (where appropriate), and
 - i) If applicable, the name of the other operator to whom the booking has been sub-contracted.
42. Recording destinations - The very minimum you should record is the street and postal area of the main destination (e.g. **Blackfriars Road, SE1**). At best it should be the full postal address (e.g. **197 Blackfriars Road, SE1**). It is not sufficient to record just the postal area (e.g. **SE1**) as that would cover too wide an area. However where you know the full postcode (e.g. **SE1 8NJ**) that will suffice, as it would identify the street destination.
43. When allocating a booking to a driver, you must provide them with all of the following details:
 - a) The name of the person for whom the booking is made or some means of identifying them;
 - b) The agreed time and place of collection;
 - c) The place of destination; and
 - d) The fare agreed (if applicable).
44. You must not accept or record details of any booking passed to you by a driver.
45. Your records of all private hire bookings, whether retained in a book or on a computerised system, must be kept at your licensed premises for at least 12 months and be readily available for production to an authorised officer for inspection at any time during the hours of operation.

SUBCONTRACTING BOOKINGS

46. You may only sub-contract a booking to another licensed Operator and both Operators must keep a record of the booking. (The contract and responsibility for the booking remains between the Operator that took the booking and the hirer.)

DOCUMENTS TO BE KEPT BY THE OPERATOR

47. You must keep and maintain an up to date record of all the private hire drivers and vehicles operated by you on a Driver and Vehicle List, which must include:
- a) The call sign allocated to the driver/vehicle;
 - b) The driver's name and private hire badge number;
 - c) The vehicle's registration and private hire plate number; and
 - d) The date the driver commenced and finished (if applicable).
48. You must obtain and retain the following documentation in respect of every vehicle and driver you operate prior to allocating them any bookings, namely:-
- a) A copy of the driver's current private hire driver's licence or badge;
 - b) A copy of the vehicle's current private hire vehicle licence or front identity plate;
 - c) A copy of the vehicle's current MOT certificate; and
 - d) A copy of the vehicle's current insurance certificate or cover note in respect of the driver using the vehicle.
49. The above documentation relating to vehicles and drivers must be retained at your licensed premises for at least 12 months and be readily available for production to an authorised officer for inspection at any time during the hours of operation.

PRIVATE HIRE VEHICLES FLEET POLICIES

50. Operators using vehicles under a fleet policy should ensure that details of each Private Hire Vehicle are listed on the insurance certificate, the schedule, or the policy itself.

PSV VEHICLES, DRIVERS & RECORDS

51. If you operate vehicles having in excess of 8 passenger seats (PSVs) for undertaking private hire bookings then you must ensure that you have the appropriate Operators Licence issued by VOSA.
52. You must ensure that your PSV vehicles display the discs issued by VOSA and your drivers have the appropriate licences to drive such vehicles.
53. The records maintained in respect of these vehicles, drivers and private hire bookings must be readily available for production to an authorised officer for inspection at any time during the hours of operation.

'OUT OF TOWN' HACKNEY CARRIAGES ACTING AS PRIVATE HIRE VEHICLES IN THE BIRMINGHAM LICENSING DISTRICT

54. SCHEDULE OF DRIVERS

- a. The Private Hire Operator shall notify the Licensing Authority forthwith, and in any event within 72 hours of each and every Hackney Carriage driver employed or used for Private Hire bookings via the Operator Driver Schedule; this will include Hackney Carriage drivers licensed by this or other Authorities.
- b. Where a Private Hire Operator ceases to employ or use any such licensed Hackney Carriage driver, the Operator shall forthwith, and in any event within 72 hours, notify the Licensing Authority in writing and present the corrected Operator Driver Schedule to the Licensing Authority for amendment by an Authorised Officer
- c. The Private Hire Operator shall retain a copy of the Hackney Carriage driver licence granted by this or any other authority along with a copy of the driver's DVLA licence, and any other driver of that vehicle, and forward a copy of those documents to the Birmingham City Council Licensing Office forthwith, and in any event within 72 hours of registering that driver.

55. SCHEDULE OF VEHICLES

- a. The Private Hire Operator shall notify the Licensing Authority forthwith, and in any event within 72 hours of each and every Hackney Carriage vehicle employed or used by the operator on the Operator Vehicle Schedule, this includes those Hackney Carriage vehicles licensed by this or other Authorities.
- b. Where a Private Hire Operator ceases to employ or use any such licensed Hackney Carriage vehicle, the Operator shall forthwith, and in any event within 72 hours, notify the Licensing Authority in writing and present the Operator Vehicle Schedule to the Licensing Authority for amendment by an Authorised Officer.
- c. The Private Hire operator shall retain a copy of the Hackney Carriage vehicle licence granted by another Authority along with a copy of the MOT certificate, certificate and policy of insurance and vehicle registration document and forward a copy of those documents to the Birmingham City Council, Taxi & Private Hire Licensing Office within 72 hours.

56. The records maintained in respect of these vehicles, drivers and private hire bookings must be readily available for production to an authorised officer for inspection at any time during the hours of operation.

ASSISTANCE DOGS & WHEELCHAIR USERS

57. You must not refuse to accept the hiring of a vehicle merely because the passenger is accompanied by an assistance dog.
58. You must not make any additional charge for the carriage of an assistance dog, the conveyance of a wheelchair, or other equipment required by a person suffering from a disability.

TOUTING

59. The operator shall not:
 - a) Tout or solicit any person to hire or be carried for hire in any private hire vehicle;
 - b) Cause or procure any other person (a marshal for instance) to tout or solicit any person to hire or be carried for hire in any private hire vehicle

COMPLAINTS

60. You must establish a complaints procedure and take all reasonable steps to fully investigate any complaints, ensuring a record is kept of the following information:
- a) Name, contact details of complainant and date complaint received;
 - b) Date, time and details/nature of complaint;
 - c) Name of driver (and Badge number) or member of staff, to which the complaint relates; and
 - d) Details of action taken.
61. Upon receiving any 'specified complaint' or allegation regarding any person licensed by the Authority Operators must report it immediately when the licensing office is open, and in any other event within 72 hours.
62. The specified complaints or allegations are:
- of sexual misconduct, sexual harassment or inappropriate sexual attention
 - racist behaviour
 - Violence
 - Dishonesty
 - Breaches of equality

In straight forward terms, allegations of criminal behaviour whilst acting as a Private Hire Driver.

63. Your records of complaints, whether retained in a book or on a computerised system, must be kept for at least 12 months at your licensed premises and be readily available for production to an authorised officer for inspection at any time during the hours of operation.
64. The Operator shall ensure that each private hire vehicle he operates displays a suitable notice inside the vehicle stating the name of the operator and giving details of how a customer may contact the operator in the event of any complaint relating to a contract for hire or purported contract for hire relating to or arising from his business.

GUIDANCE NOTES

If you have any difficulty in understanding the implications of any of the above conditions, please let the Licensing Office know immediately so that arrangements can be made to assist you in that respect.

If you are aggrieved by any of the conditions attached to this licence you may make an application for exemption from them and attend a hearing before the Licensing Sub Committee, alternatively you can appeal to a Magistrates Court within 21 days of the service of this licence on you.

1. Licensed Premises

With the event of 'app' technology there may be no necessity for potential customers to visit an Operator base. Accordingly the previous requirement has been adjusted to reflect new operating practices.

Where the facility for customers to visit the premises to book does exist, Private Hire Operators are reminded of the best practice guidance under 'Staff training and public access

to Private Hire Operator premises'. The premises shall be kept clean, adequately illuminated, heated and ventilated and shall conform to any other relevant legal requirements.

Licence holders need to be acutely aware of the risks associated with children or young people frequenting premises for non- business purposes and there can be no compromise in the necessity of the Private Hire Operator to intervene and stop such activity.

Licensed premises could be targeted by criminals using drivers to facilitate the grooming of children, trafficking, or supply drugs or contraband tobacco etc.

It would be expected that the assistance of the Police would be sought, where there should be a concern, but that does not diminish the responsibility of the Private Hire Operator to tightly control and prevent such occurrences. With such strong cautionary advice in place upon the licence, Private Hire Operators need to consider how breaches of this requirement might be used by the Police in any criminal proceedings brought against the Private Hire Operator.

2. Trading Name

It is not the intention to restrict the appropriate or innovative naming of a Private Hire business but it has been a source of frustration in the past to the trade and Officers. There are examples of a Private Hire Operator selling the business in 'good will' only for a new Operator to open a short while later with a very similar business name. Sometimes this is not dealt with in contractual arrangements and can lead to confusion with the public (as well as ill will within the trade). Similarly, where a Private Hire Operator licence is revoked or suspended it seems inappropriate that the identical operating name or one closely associated to that is taken into use. Again this can be confusing for customers and drivers, and perhaps undermining of the council's regulatory sanctions.

3. Advertisements

There are some restrictions regarding the words that may be used in your trading names and advertisements. Any trading name or advert for a Birmingham PHV business cannot include the words 'taxi', 'taxis', 'cab' or 'cabs', or any word so closely resembling any of those words as to be likely to be mistaken for it. This includes using such words in website addresses.

You can use the word 'minicab', 'mini-cab' or 'mini cab' (whether in the singular or plural) in your adverts.

While the following list is not exhaustive, an advert includes:

- business cards, letter headed paper, compliment slips and posters,
- signage, including on shop fronts, other premises (eg supermarkets, hospitals, nightclubs etc) and licensed private hire vehicles
- email addresses – eg southwarkcabs@google.co.uk could not be used as an email address for your passengers to make bookings but you could use southwarkminicabs@google.co.uk
- websites and website addresses – eg www.southwark-taxis.co.uk could not be used but you could use www.southwark-minicabs.co.uk. You must also make sure that photos or animations on websites do not show taxis/black cabs or give the impression that a taxi/black cab service is provided.
- telephone numbers – eg if your telephone number is 0845 222 1234 you could not advertise this as **0845 CAB 1234**

- recorded telephone messages and answer machine messages – eg your message should not say ‘Thank you for calling **Southwark Cabs**’ however you could say ‘Thank you for calling **Southwark Cars**’.

In short, any advert that you issue must make it clear that you are providing a private hire service. Some examples of phrases that you may use in your adverts are:

- Mini-cab service
- Executive car hire
- Private hire service

You should also be aware that most customers will want to verify that you are licensed before they use your services. Your adverts should therefore contain sufficient information for potential customers to be able to identify you.

Information on your website

To prove that you are a bona fide operator, you should consider displaying the following information on your website:

- your company name;
- the trading names that are specified on your operator’s licence;
- your trading address(es);
- the telephone number for accepting bookings;
- your VAT registration number (if applicable);
- your email address;
- your licence number;
- the fact that you are licensed by TfL and TfL’s contact details; and
- if the business in question is incorporated as a company, its registered number, the address of its registered office and the part of the UK in which it is registered.

For other types of adverts (e.g. business cards), you should at least specify your trading name and your operator’s licence number.

ADVISORY

The Equality Act 2010 brings together a number of existing laws into one place so that it is easier to use. It sets out the personal characteristics that are protected by the law and the behaviour that is unlawful.

Under the Act people are not allowed to discriminate, harass or victimise another person because they have any of the protected characteristics including disability. The act gives examples of unacceptable behaviour whilst the Equality Commission web site (www.equalityhumanrights.com) gives examples of best practice.

Smoke Free Legislation

Private Hire Vehicles and ‘Taxis’ are smoke free vehicles and nobody may smoke within these vehicles at any time. Appropriate ‘No Smoking’ signage must be displayed in the vehicle. Furthermore, any enclosed premises that are used as a workplace or are used by the public, for example, making bookings, must be smoke-free. Failing to prevent smoking in a smoke free place can lead to prosecution and a maximum fine of £2,500 being imposed on whoever manages or controls the smoke-free premises or vehicle. For further advice and guidance on this matter please go to www.smokefreengland.co.uk

Consumer Protection from Unfair Trading Regulations 2008

Under the provisions of the above legislation, any licensed Operator marketing a product (including comparative advertising) that creates confusion with any products, trade names or other distinguishing marks of a competitor may be committing an offence.

Sale of Alcohol

Sale of alcohol is a licensable activity under the Licensing Act 2003. Sale of alcohol is prohibited on a moving vehicle. If a sale of alcohol is made as part of a booking arrangement that sale must be authorised in accordance with the Licensing Act 2003. For further advice and guidance please contact the Licensing Office on 0121 303 8222, or visit www.culture.gov.uk

Safety of Drivers

You are responsible for taking clear and accurate details of your passenger's bookings and passing these details to your drivers to ensure they can identify and pick up the correct passenger(s). Failure to record and pass on clear instructions to your drivers may put their personal safety at risk and leave them liable to infringe the law.

Consultation Responses

5a – Elite Radio Cars

Hi Shawn

Hope you had a good holiday. I have read through your proposals and find some good some bad.

Drivers uniforms I think is a good idea (black / grey trousers maybe polo shirts short sleeve shirt with company logo.) would look more professional.

Call centre staff DBS / CRB checks could open a minefield with employment rights as they do not work with children or vulnerable people.

Drivers hours we as a company do not openly push drivers to take 24 hour radios like others. (exceptions are when working around family matters) you

work days or nights. However with drivers been self employed and able to work for many firms at the same time how do you think this can be policed ?

Your proposals take the terms and conditions up to over 60 plus. (many other councils are between 10-20). If people don't play by the rules you could

have 100's they don't care, it just creates more headache and costs for us.

Any how just a few off my thoughts thanks for the heads up.

Many thanks

Rory McLaren.

Elite Radio Cars Ltd

5b – Star cars and Coaches Ltd.

Background

The Local Government (Miscellaneous Provisions) Act, 1976 (LGMP), was created to enable Conditions of safety to be placed upon drivers, vehicles and Operators making private contracts for vehicle with driver hire services. Private Hire at that time was concentrated on saloon vehicles offering, in the main, local journeys.

The Private Hire sector has grown and extended significantly and there are now a much wider range of vehicles, services and availability of technology to assist in booking a service.

The Road Safety Act, 2006, along with best practice guidance issued by the Department for Transport (dft) has caused Birmingham City Council to consider licensing a wide range of vehicles and services. This policy applies to the more standard types of saloon or wheelchair accessible vehicles.

Policy Statement

The issues around the operating of a business involving Private Hire vehicles has the same business, legal and public safety principles as other areas of licensed activity by the Local Authority.

Public safety is paramount. It is very important to Birmingham City Council that Operators also fit comfortably into their environment and are not the cause of residential nuisance and contribute positively to the image of the City and take ownership of a civic responsibility.

Operators are a major factor in contributing to public safety by ensuring that they and their drivers adhere to this policy and the conditions upon the various licences.

The aim of the policy is to increase the professionalism of the trade through business improvements and best practice; increasing both the level of customer service offered and that of public safety.

Elected Members of the Council approved the policy and conditions and were emphatic in insisting that licensed Operators carry a significant responsibility in meeting the expectations of the public and contributing positively to public safety. Members asked that the licensing responsibilities and expectations of the Council were impressed upon Operators.

Some of the issues associated to particular conditions are illustrated as footnotes to assist those who are the subject of the conditions, or those who apply them, to do so consistently.

Customer focus, business improvements and best practice – none policy issues

In preparing this policy and conditions there was consultation with both the licensed trade and the general public.

Some suggestions raised during consultation have been grouped under this heading, but they do not form part of the approved policy. The controlling legislation, or liability for certain acts, or failures to act, might lie within other specific legislation. The Council feels that those areas should remain outside of conditions attached to a Private Hire Operator licence, but

nevertheless are worthy of highlighting as good practice. Significant breaches of other primary legislation might still be considered as factors contributing to a 'fit and proper person' test.

Corporate clothing (shirt or outer garment)

There are distinct benefits for this in terms of enhanced safety for customers and also improving the image of the trade in the city. There appears to be a positive link in supplying a uniform style shirt with the company logo on it and customer satisfaction along with the professional outlook of the Operator. However, it is thought to be beyond licensing control but should be considered as a good business practice by Private Hire Operators.

Staff training and public access to private hire operator premises and health and safety considerations

It would be good practice for each Private Hire Operator (except single vehicle companies) to ensure that all of their call handling staff have received:

- Accredited customer service training
- Data protection training
- Be subject to a DBS

DBS disclosure is thought to be important considering the amount of personal and secure information that can be collected. It is felt that the practice of using totally unqualified or untrained staff is inappropriate. Concerns within the trade are that people are 'employed' outside of all of the employment law, HM Revenue and Customs arrangements, minimum wage legislation and outside of other financial scrutiny arrangements that should be in place.

The Data Commissioner retains responsibility for monitoring the 'data controller' the Private Hire Operator. However, if there were to be breaches of data security the Council reserves the right to take compliance or other formal action against the private hire operator to reduce the risk of crime or danger to public safety. HM Revenue and Customs or the Health and Safety Executive are the appropriate authority for some of the proposals. Whilst there may be some issues which might be poor business practice or worse it is thought to be beyond licensing control.

Where there is a public waiting area, measures must be in place to keep all personal audio and written data private and secure.

As the Operator you are responsible for the safety of staff and the public on the premises and you are advised to undertake a full review by an appropriately qualified health and safety officer.

Officers may inform the appropriate regulatory body if they have a concern.

Record of driver hours

In contrast to the regulation of hours worked by a PSV or HGV driver, a self-employed Private Hire driver has no such legal restrictions on them. If they were the subject of a contract of employment with the Private Hire Operator then there would be a restriction of 48 hours per week averaged over a 17 week period, but that is the only legal constraint. The consequences of driver fatigue all too often appear following some serious road traffic collision and whilst the driver may be held accountable for any subsequent fatality it is an issue that the Private Hire Operator should be aware of when they use a Private Hire driver

in those circumstances. There are many full time drivers but also others who use their Private Hire driver licence as a secondary form of income.

This issue requires an awareness by Private Hire Operator's and it would be best practice for Private Hire Operator's to be alert to the signs of tiredness and exhaustion and you may wish to consider your own liability in not taking full account of such issues when entering into a contract arrangement with a customer.

Fare awareness

This is often the subject of complaint by the travelling public and is frequently the root of arguments. That situation can be improved upon by clearer information at the time of booking and a visible notice showing how fares are calculated on the Private Hire Operator web-site or public waiting area, to be easily read by any person seeking to hire a Private Hire vehicle or Hackney Carriage at those premises. It would be helpful if at every point of producing such information it was pointed out "fares should be agreed before the journey". Where the vehicle uses a meter, this should be clearly explained and on what occasions it is not used (pre-arranged contract fares, out of Licensing District fares etc.).

The more information that can be visible to passengers the better it is for your driver, your business reputation, and, of course, the public. Being 'upfront' with this can help reduce the risk of escalating arguments and create a safer environment for the driver.

Vehicles operated under the licence – planning regulations

Planning legislation has primacy and responsibility for enforcing breaches of planning rests with that department and cannot be undertaken by Licensing Officers. However Licensing Officers will support communities where complaints are made in assisting enforcement by planning and Regulatory Officers and also by seeking an early resolution to a problem through the relevant Private Hire Operator.

Safety standards of licensed vehicles under the operating licence

Officers have already presented a report to Members explaining that they will consider the prosecution of Private Hire Operators for defective vehicles used in the course of their business and it is intended to continue with that theme and also offences where there is no vehicle insurance in place.

On rare occasions that may be out of the control of the Private Hire Operator but control measures can be put in place which would help the Private Hire Operator reduce their personal risk of prosecution and increase public safety.

To increase public safety and reduce the risk of prosecution to themselves, Private Hire Operators are strongly advised to maintain a monthly record of vehicle inspections carried out by them on their operating licence to ensure checks on tyres, Council livery, accident damage, condition of interior etc., as prescribed by the Council and a check list of expiry dates of the Private Hire driver licence, Private Hire vehicle licence and MOT expiry dates. The personal responsibility of the licensed Private Hire Operator for the safety of their customer is inescapable and each Private Hire Operator should be able to demonstrate their commitment to road safety.

Set out in this booklet are the pre-conditions to the consideration of the grant of a Private Hire Operator licence. Additionally, once licensed, a Private Hire Operator must continue to meet these standard pre-conditions.

PRIVATE HIRE OPERATORS CONDITIONS OF LICENCE

INTRODUCTION

Local Government (Miscellaneous Provisions) Act, 1976 Part 2

All licences issued by the Council in connection with the driving and operation of Private Hire vehicles are in accordance with the provisions of the 1976 Act. Operators, Drivers and Proprietors should be familiar with this Act, the provisions of the Town Police Clauses Act and the Equality Act effecting Private Hire licences.

The following Conditions apply to all Operators of Private Hire vehicles, licensed or seeking to be licensed. In certain circumstances additional appropriate Conditions may be attached to an individual licence which could be set out as an addendum, by way of a formal notice served upon the licensed Operator.

Exceptions to vary conditions will be recorded on the licence and the reason for the variance.

The Council informs of changes to its Conditions by publicising them in a variety of ways. It is the responsibility of the licence holder to be familiar with those changes and seek appropriate advice and guidance if in doubt.

The Private Hire Operators Licence This licence is granted subject to the following conditions. Failure to comply with any of the conditions could lead to a criminal prosecution and / or your licence being suspended, revoked or not renewed.

If you are aggrieved by any of the conditions attached to this licence you may make an application for exemption from them and attend a hearing before the Licensing Sub Committee, alternatively you can appeal to a Magistrates Court within 21 days of the service of this licence on you.

CONDITIONS

FEES

1. The licence is granted on condition that all fees due to the Licensing Office in respect of its grant are payable, in full, prior to the commencement of the licence.

DETAILS INFORMATION TO BE REPORTED TO THE LICENSING OFFICE

2. Any of the following events that affect you, or any individual or company named on the application form or a manager nominated by you during the period your licence is in force, must be reported in writing to the Licensing Office within **7 days** giving full details:

- q) of any conviction or finding of guilt (criminal or motoring offence)
- r) of any caution (issued by the Police or any other agency)
- s) issue receive a Magistrates' Court summons
- t) issue receive a fixed penalty notice for any matter (including a motoring offence)
- u) receive a warning or court order in relation to harassment or any other form of anti-social behaviour

- v) any receive a civil or family law injunction
- w) are arrested for any offence (whether or not charged)
- x) receive an endorsement are charged with any criminal offence.

In the case of a motoring endorsement, **do not wait** for your licence to be returned from the DVLA.

3. If you are refused any type of licence by any other regulatory authority or any such licence is suspended, revoked or not renewed you must inform the Licensing Office, in writing within **7 days**, of such event and provide the following information:

- i) The the name of the regulatory authority
- xi) The the licence number(s) of the licence(s) suspended, revoked or refused renewal
- xii) The the date of the decision
- xiii) A a copy of any document issued by the regulatory authority giving the reasons for the authority's decision.

4. If you change your home address you must inform the Licensing Office, in writing within 7 days, of your new home address.

5. The licence is granted to you in respect of the address notified to the Licensing Office at the time of application. You can only operate from the address specified on your licence. If you intend to change the business address of the operation, you must first obtain written consent from the Licensing Office and if approved you must return your original licence for amendment. Consent will only be granted in respect of premises for which planning permission for the use of a Private Hire Operators business has already been granted.

6. You must notify the Licensing Office within 3 days of the commencement or termination of a private hire driver being operated by you or the change of their call sign by providing an updated Driver and Vehicle List.

7. You must notify the Licensing Office, in writing within 7 days, of the name and details of any individual to be nominated as a Responsible Person for managing your business in your absence prior to their commencement in that role. Should a nominated person cease to be employed in this capacity, you must notify the Licensing Office, in writing within 7 days, of that decision.

8. You must notify the Licensing Office, in writing, within 7 days of any change in the ownership/management/partnership of the operation as specified in your application form.

LICENSED PREMISES¹

9. If the public have access to your premises the licence and these conditions must be prominently displayed in a position where they are clearly visible to the general public save that they may be removed for only as long as is necessary to present them to the Licensing Authority for amendment, or if you are required to be produced same for inspection by an authorised officer of the Licensing Authority or a Police Constable.

10. If the public do not have access to your premises then upon request you must either provide a copy or permit any member of the public to view a copy of your licence and conditions. (In respect of these copies of your licence you may delete your personal address if shown on the licence.)

STAFF

11. Either you or a Responsible Person over the age of 18 and notified by you in writing to the Licensing Office pursuant to Condition 7 must be in charge of the operation and immediately contactable by an authorised officer at any time during the hours of operation.

12. You must ensure that any Responsible Person left in charge of the premises in your absence is fully aware of these conditions of licence (particularly those relating to the keeping and maintaining of records for drivers, vehicles and bookings), the need to comply with them and be able to produce the records to an authorised officer on request.

3. No person other than a director, partner or employee shall be engaged in any aspect of the business. You must keep and maintain at the licensed premises a register of all such persons, which shall include everyone's full name, date of birth, home address, national insurance number, contact telephone number, any call sign / codes they are allocated and the dates their employment commenced / terminated.

Further, in relation to each employed individual, copies of supporting documentation in the form of a valid passport or a DVLA photocard licence and utility bills of no more than 2 months old must be kept. This register must be retained at your licensed premises and be available for inspection by an authorised officer at any time during the hours of operation.

The aforementioned register must be retained at the premises and be made available to an authorised officer for inspection at any time during the hours of operation together with documentary proof that each employee has been registered with HMRC as an employee of the operator.

TRADING NAME²

14. It is a pre-requisite to the grant of a Private Hire Operator licence to ensure that any potential confusion is removed when a preferred operating name is put forward. This would also apply to those names which might conflict with the operating name within a neighbouring Local Authority.

The Licensing Office also have the right to refuse to grant or renew an Operator's licence where the business name is either changed or made up from a collection of other Operator names operating within this Council or any other neighbouring council.

STATIONERY & ADVERTISEMENTS

15. You must not advertise or use stationery with a trading name that is not included in your Private Hire Operator's licence without obtaining the prior written approval of the Licensing Office.

16. You must not advertise or use stationery showing your trading name in a different style / format of letters, numbers or logos without obtaining the prior written approval of the Licensing Office.

17. You must not advertise your private hire business in a manner which gives rise to confusion with another private hire operator licensed by this Council or any other neighbouring council.

18. An Operator wishing to advertise in any other name or use a style/format different to that upon their Operator Identification Door Signs, must seek prior approval in writing from the Licensing Office.

19. No notice, sign or advertisement seeking to advertise or promote your business of a private hire operator, wherever it is displayed, shall consist of or include the words "TAXI" or "CAB" or "For Hire" whether in the singular or plural, or any words or devices which give any indication that the service to which the notice, sign or advertisement relates is that which can only be provided by a licensed Hackney Carriage.³

20. You must ensure that staff answering your private hire telephone number(s) do so by using your trading name only.

21. You must provide your drivers with stationery that they can use for issuing receipts. The stationery shall include your trading name and space for the drivers' call sign, details of the journey and the fare paid to be recorded.

DRIVERS AND VEHICLES

22. Private Hire Operators in the City of Birmingham shall only operate with vehicles and drivers licensed by the Birmingham City Council and shall operate only from premises within the City boundary.

23. Mobile phones or smart phones are not allowed to be used, installed, fitted to or carried in any private hire vehicle for the purpose of inviting, passing or accepting bookings for that vehicle, except where such a device is installed for the exclusive purpose of housing a PDA or PDA software for the purposes of dispatch of that PHV.

TAXIMETERS

24. Should a taximeter be fitted to any private hire vehicle operated by you, you must ensure that it has been tested, sealed and certified to have been calibrated and set to your tariff(s) before it can be used for calculating fares for passengers.

25. You must not tamper with or permit any other person to tamper with the meter, its fittings, connections or seals without the written approval of the Licensing Office.

26. Should fares be calculated using technology other than a conventional taximeter, you must ensure that the fare displayed in the vehicle as payable by the customer shall be that for the shortest route irrespective of whether that was the route taken by the vehicle unless the customer chose the route and / or agreed to pay on a basis other than shortest route.

VEHICLE IDENTITY PLATES & SIGNAGE (See Appendix A)

27. Before operating any PHV Licensed by Birmingham City Council you must ensure that the only plates and signs displayed on or in a private hire vehicle are only those prescribed by the conditions attached to the private hire vehicle licence.

- a) The private hire front and rear identity plates and the Private Hire semi-permanent rear door signs, which are issued by the Licensing Office;
- b) The Operator Identification Door Signs, Call Sign stickers and Fare Table, which are issued by your private hire company; and
- c) The "No Smoking" signs.

28. No notice, sign or advertisement may be placed upon a private hire vehicle unless installed by an agent authorised by the Licensing Office. (should this be in the signage policy?)

29. With the exception to the Conditions of Licence for Private Hire Vehicles relating to “ADVERTISING”, no other plates or signs other than those referred to above may be exhibited or displayed on or in the vehicle without the written approval of the Licensing Office.

30. All private hire vehicles operated by you must display the identity plates and signage in accordance with the Conditions of Licence for Private Hire Vehicles and in the locations specified (See Appendix A). You must regularly check your all vehicles operated by you to ensure they are compliant with these Conditions. A record of those checks should be made available to an authorised officer on request.

31. Where a Hackney Carriage vehicle is licensed by another Authority, such a Hackney Carriage driver or Hackney Carriage vehicle is expressly prohibited from using any literature, any documentation, any advertising or displaying any signage associated to the Private Hire Operator or Birmingham City Council which suggests or might lead to a misunderstanding that the vehicle is licensed by this Authority.

32. You must issue every private hire vehicle operated by you is issued with such operator signs and notices as may be required for the vehicle to be compliant with the conditions of its licence and approved in writing by the Licensing Office.

- a) 2 operator identification door signs (Item 3 on Appendix A);
- b) 2 call sign stickers (Item 5 on Appendix A); and
- c) A Fare Table that lists the rates and any extras, by which all charges are calculated.

33. Your approved Operator Identification Door Signs must incorporate the following information:

- a) The current trading name of your operation (as specified on your licence);
- b) A current telephone number for your operation;
- c) The current call sign of the driver/vehicle; and
- d) The phrase **"BE BOOKED, BE INSURED"**. (should this say NOT BOOKED, NOT LEGAL?)

The phrase **"BE BOOKED, BE INSURED"** must be a minimum of 30 millimetres in BOLD Arial font. The signs must be made using a weatherproof material.

4. If you want to change the design of your operator signs you must secure written approval from the Licensing Office.

35. Only one approved door sign design is to be in use at any one time. All previous versions must be removed from circulation when a new approved sign is introduced.

36. Any private hire vehicle operated by you, which has been granted exemption from displaying any identification plate or sign must carry the letter issued by the Licensing Office confirming the exemption at all times and the letter should be available for inspection by an authorised Officer at any time.

RECORDS OF BOOKINGS

37. You must keep a record of all private hire bookings in the manner prescribed (See Condition 42 below).

38. Unless specific consent is given to you, in writing, to the contrary you are required to keep the records of all bookings in a suitable hard back book which has consecutive page numbers. You must ensure the entries are clearly and easily legible.

39. Should you wish to use a computerised system, then you must first obtain consent in writing from the Licensing Office.

40. If you have a computerised booking system, you must ensure it is able to produce a print out of any records requested by an authorised officer at all times.

. You shall ensure that before the commencement of each journey, an entry is made in the record book or computer booking and dispatch system the following details for every booking invited or accepted for a private hire vehicle including:

- ai) The name and signature of the person making the record and the radio operator for each period of duty - Record Book only
- a ii) The code for the person making the record - Computerised system only
- b) The date on which the booking is made and, if different, the date of the proposed journey
- c) The name of the person for whom the booking is made or some other means of identifying them, or, if more than one person, the name or means of identifying one of them
- d) The agreed time and place of collection, or, if more than one, the agreed time and place of the first
- e) The main destination specified by the customer at the time of the booking
- f) The time a vehicle was allocated to the booking
- g) The driver's call sign or registration number of the vehicle allocated the booking
- h) The fare agreed for the journey (where appropriate)
- i) If applicable, the name of the other operator from whom a booking was received and / or to whom the booking was subcontracted.

42. Recording destinations - The very minimum you should record is the street and postal area of the main destination (e.g. **Blackfriars Road, SE1**). At best it should be the full postal address (e.g. **197 Blackfriars Road, SE1**). It is not sufficient to record just the postal area (e.g. **SE1**) as that would cover too wide an area. However where you know the full postcode (e.g. **SE1 8NJ**) that will suffice, as it would identify the street destination.

43. When allocating a booking to a driver, you must provide them with all of the following details:

- a) the name of the person for whom the booking is made or some means of identifying them
- b) the agreed time and place of collection
- c) the stated destination, if any
- d) the fare agreed (if applicable).

44. You must not accept or record details of any booking passed to you by a driver.

45. Your records of all private hire bookings, whether retained in a book or on a computerised system, must be kept at your licensed premises for at least 6 months and be readily available for production to an authorised officer for inspection at any time during the hours of operation.

SUBCONTRACTING BOOKINGS

46. You may only sub-contract a booking to another licensed Operator and both Operators must keep a record of the booking. (The contract and responsibility for the booking remains between the Operator that took the booking and the hirer.)

DOCUMENTS TO BE KEPT BY THE OPERATOR

47. You must keep and maintain an up to date record of all the private hire drivers and vehicles operated by you on a Driver and Vehicle List, which must include:

- a) the call sign allocated to the driver / vehicle
- b) the driver's name and private hire badge number
- c) the vehicle's registration and private hire plate numbers
- d) the date the driver commenced and finished (if applicable).

48. You must obtain and retain the following documentation in respect of every vehicle and driver you operate prior to allocating them any bookings, namely:

- a) a copy of the driver's private hire driver's licence or badge
- b) a copy of the vehicle's private hire vehicle licence or front identity plate
- c) a copy of the vehicle's MOT certificate
- d) a copy of the vehicle's insurance certificate or cover note in respect of the driver using the vehicle.

49. The above documentation relating to vehicles and drivers must be retained at your licensed premises for at least 6 months after a vehicle or driver ceases to undertake work for you and be readily available for production to an authorised officer for inspection at any time during the hours of operation.

PRIVATE HIRE VEHICLES FLEET POLICIES

50. Operators using vehicles under a fleet policy should ensure that details of each Private Hire Vehicle are listed on the insurance certificate, the schedule, or the policy itself.

PSV VEHICLES, DRIVERS & RECORDS

51. If you operate vehicles having in excess of 8 passenger seats (PSVs) for undertaking private hire bookings then you must ensure that you have the appropriate Operators Licence issued by VOSA.

52. You must ensure that your PSV vehicles display the discs issued by VOSA and your drivers have the appropriate licences to drive such vehicles.

53. The records maintained in respect of these vehicles, drivers and private hire bookings must be readily available for production to an authorised officer for inspection at any time during the hours of operation.

'OUT OF TOWN' HACKNEY CARRIAGES ACTING AS PRIVATE HIRE VEHICLES IN THE BIRMINGHAM LICENSING DISTRICT

54. SCHEDULE OF DRIVERS

- d. The Private Hire Operator shall notify the Licensing Authority forthwith, and in any event within 72 hours of each and every Hackney Carriage driver employed or used

for Private Hire bookings via the Operator Driver Schedule; this will include Hackney Carriage drivers licensed by this or other Authorities.

- e. Where a Private Hire Operator ceases to employ or use any such licensed Hackney Carriage driver, the Operator shall forthwith, and in any event within 72 hours, notify the Licensing Authority in writing and present the corrected Operator Driver Schedule to the Licensing Authority for amendment by an Authorised Officer
- f. The Private Hire Operator shall retain a copy of the Hackney Carriage driver licence granted by this or any other authority along with a copy of the driver's DVLA licence, and any other driver of that vehicle, and forward a copy of those documents to the Birmingham City Council Licensing Office forthwith, and in any event within 72 hours of registering that driver.

55. SCHEDULE OF VEHICLES

- d. The Private Hire Operator shall notify the Licensing Authority forthwith, and in any event within 72 hours of each and every Hackney Carriage vehicle employed or used by the operator on the Operator Vehicle Schedule, this includes those Hackney Carriage vehicles licensed by this or other Authorities.
- e. Where a Private Hire Operator ceases to employ or use any such licensed Hackney Carriage vehicle, the Operator shall forthwith, and in any event within 72 hours, notify the Licensing Authority in writing and present the Operator Vehicle Schedule to the Licensing Authority for amendment by an Authorised Officer.
- f. The Private Hire operator shall retain a copy of the Hackney Carriage vehicle licence granted by another Authority along with a copy of the MOT certificate, certificate and policy of insurance and vehicle registration document and forward a copy of those documents to the Birmingham City Council, Taxi & Private Hire Licensing Office within 72 hours.

56. The records maintained in respect of these vehicles, drivers and private hire bookings must be readily available for production to an authorised officer for inspection at any time during the hours of operation.

ASSISTANCE DOGS & WHEELCHAIR USERS

57. You must not refuse to accept the hiring of a vehicle merely because the passenger is accompanied by an assistance dog.

58. You must not make any additional charge for the carriage of an assistance dog, the conveyance of a wheelchair, or other equipment required by a person suffering from a disability.

TOUTING

59. The operator shall not:

- c) Tout or solicit any person to hire or be carried for hire in any private hire vehicle;
- d) Cause or procure any other person (a marshal for instance) to tout or solicit any person to hire or be carried for hire in any private hire vehicle

COMPLAINTS

60. You must establish a complaints procedure and take all reasonable steps to fully investigate any complaints, ensuring a record is kept of the following information:

- a) the name, contact details of complainant and date complaint received
- b) the date, time and details / nature of the complaint
- c) the name of the driver (and Badge number) or member of staff, to which the complaint relates
- d) details of any action taken.

61. Upon receiving any 'specified complaint' or allegation regarding any person licensed by Birmingham City Council you must report it immediately when the licensing office is open, and in any other event immediately upon the Licensing Office next opening.

62. The specified complaints or allegations are of:

- sexual misconduct, sexual harassment or inappropriate sexual attention
- racist behaviour
- violence
- dishonesty
- breach of equality legislation

In straight forward terms, allegations of criminal behaviour whilst acting as a Private Hire Driver.

63. Your records of complaints, whether retained in a book or on a computerised system, must be kept for at least 6 months at your licensed premises and be readily available for production to an authorised officer for inspection at any time during the hours of operation.

64. The Operator shall ensure that each private hire vehicle he operates displays a suitable notice inside the vehicle stating the name of the operator and giving details of how a customer may contact the operator in the event of any complaint relating to a contract for hire or purported contract for hire relating to or arising from his business.

GUIDANCE NOTES

If you have any difficulty in understanding the implications of any of the above conditions, please let the Licensing Office know immediately so that arrangements can be made to assist you in that respect.

If you are aggrieved by any of the conditions attached to this licence you may make an application for exemption from them and attend a hearing before the Licensing Sub Committee, alternatively you can appeal to a Magistrates Court within 21 days of the service of this licence on you.

1. Licensed Premises

With the event of 'app' technology there may be no necessity for potential customers to visit an Operator base. Accordingly the previous requirement has been adjusted to reflect new operating practices.

Where the facility for customers to visit the premises to book does exist, Private Hire Operators are reminded of the best practice guidance under 'Staff training and public access to Private Hire Operator premises'. The premises shall be kept clean, adequately

illuminated, heated and ventilated and shall conform to any other relevant legal requirements.

Licence holders need to be acutely aware of the risks associated with children or young people frequenting premises for non- business purposes and there can be no compromise in the necessity of the Private Hire Operator to intervene and stop such activity.

Licensed premises could be targeted by criminals using drivers to facilitate the grooming of children, trafficking, or supply drugs or contraband tobacco etc.

It would be expected that the assistance of the Police would be sought, where there should be a concern, but that does not diminish the responsibility of the Private Hire Operator to tightly control and prevent such occurrences. With such strong cautionary advice in place upon the licence, Private Hire Operators need to consider how breaches of this requirement might be used by the Police in any criminal proceedings brought against the Private Hire Operator.

2. Trading Name

It is not the intention to restrict the appropriate or innovative naming of a Private Hire business but it has been a source of frustration in the past to the trade and Officers. There are examples of a Private Hire Operator selling the business in 'good will' only for a new Operator to open a short while later with a very similar business name. Sometimes this is not dealt with in contractual arrangements and can lead to confusion with the public (as well as ill will within the trade). Similarly, where a Private Hire Operator licence is revoked or suspended it seems inappropriate that the identical operating name or one closely associated to that is taken into use. Again this can be confusing for customers and drivers, and perhaps undermining of the council's regulatory sanctions.

3. Advertisements

There are some restrictions regarding the words that may be used in your trading names and advertisements. Any trading name or advert for a Birmingham PHV business cannot include the words 'taxi', 'taxis', 'cab' or 'cabs', or any word so closely resembling any of those words as to be likely to be mistaken for it. This includes using such words in website addresses.

You can use the word 'minicab', 'mini-cab' or 'mini cab' (whether in the singular or plural) in your adverts.

While the following list is not exhaustive, an advert includes:

- business cards, letter headed paper, compliment slips and posters,
- signage, including on shop fronts, other premises (eg supermarkets, hospitals, nightclubs etc) and licensed private hire vehicles
- email addresses – eg southwarkcabs@google.co.uk could not be used as an email address for your passengers to make bookings but you could use southwarkminicabs@google.co.uk
- websites and website addresses – eg www.southwark-taxis.co.uk could not be used but you could use www.southwark-minicabs.co.uk. You must also make sure that photos or animations on websites do not show taxis/black cabs or give the impression that a taxi/black cab service is provided.
- telephone numbers – eg if your telephone number is 0845 222 1234 you could not advertise this as **0845 CAB 1234**

- recorded telephone messages and answer machine messages – eg your message should not say ‘Thank you for calling **Southwark Cabs**’ however you could say ‘Thank you for calling **Southwark Cars**’.

In short, any advert that you issue must make it clear that you are providing a private hire service. Some examples of phrases that you may use in your adverts are:

- Mini-cab service
- Executive car hire
- Private hire service

You should also be aware that most customers will want to verify that you are licensed before they use your services. Your adverts should therefore contain sufficient information for potential customers to be able to identify you.

Information on your website

To prove that you are a bona fide operator, you should consider displaying the following information on your website:

- your company name;
- the trading names that are specified on your operator’s licence;
- your trading address(es);
- the telephone number for accepting bookings;
- your VAT registration number (if applicable);
- your email address;
- your licence number;
- the fact that you are licensed by TfL and TfL’s contact details; and
- if the business in question is incorporated as a company, its registered number, the address of its registered office and the part of the UK in which it is registered.

For other types of adverts (e.g. business cards), you should at least specify your trading name and your operator’s licence number.

ADVISORY

The Equality Act 2010 brings together a number of existing laws into one place so that it is easier to use. It sets out the personal characteristics that are protected by the law and the behaviour that is unlawful.

Under the Act people are not allowed to discriminate, harass or victimise another person because they have any of the protected characteristics including disability. The act gives examples of unacceptable behaviour whilst the Equality Commission web site (www.equalityhumanrights.com) gives examples of best practice.

Smoke Free Legislation

Private Hire Vehicles and ‘Taxis’ are smoke free vehicles and nobody may smoke within these vehicles at any time. Appropriate ‘No Smoking’ signage must be displayed in the vehicle. Furthermore, any enclosed premises that are used as a workplace or are used by the public, for example, making bookings, must be smoke-free. Failing to prevent smoking in a smoke free place can lead to prosecution and a maximum fine of £2,500 being imposed on whoever manages or controls the smoke-free premises or vehicle. For further advice and guidance on this matter please go to www.smokefreengland.co.uk

Consumer Protection from Unfair Trading Regulations 2008

Under the provisions of the above legislation, any licensed Operator marketing a product (including comparative advertising) that creates confusion with any products, trade names or other distinguishing marks of a competitor may be committing an offence.

Sale of Alcohol

Sale of alcohol is a licensable activity under the Licensing Act 2003. Sale of alcohol is prohibited on a moving vehicle. If a sale of alcohol is made as part of a booking arrangement that sale must be authorised in accordance with the Licensing Act 2003. For further advice and guidance please contact the Licensing Office on 0121 303 8222, or visit www.culture.gov.uk

Safety of Drivers

You are responsible for taking clear and accurate details of your passenger's bookings and passing these details to your drivers to ensure they can identify and pick up the correct passenger(s). Failure to record and pass on clear instructions to your drivers may put their personal safety at risk and leave them liable to infringe the law.

5c – Uber

Dear Shawn,

Uber welcomes the opportunity to respond to Birmingham City Licensing's consultation on the future of private hire regulation in Birmingham. Technology and innovation has changed the face of the trade in Birmingham over the last few years. This process is an opportunity for the private hire industry and Birmingham City to work together on a future that works for consumers and drivers and helps Birmingham become a smarter, more connected and less congested city for the 21st Century.

Uber has been embraced in an unprecedented fashion by Birmingham. The basic facts speak for themselves: tens of thousands of customers use Uber every month. They are served by hundreds of drivers: many of whom rely on the platform for their livelihoods. These partners have joined the Uber platform because they value the increased earning power, flexibility and safety we have brought to their lives. We welcome Birmingham City's forward-looking approach to the future of the industry and their commitment to technologically neutral regulation.

Uber's impact on consumers is beyond doubt. But modern, 21st century services like ours also deliver enhanced economic opportunities for drivers and improve core city functions.

We bring a number of clear benefits to the markets we operate in:

1. More choice for consumers and drivers;
2. Increased efficiency that allows lower fares - drivers can earn more by being more productive, while consumers pay less;
3. More flexibility for drivers to run their own businesses. That means they can drive with Uber when they want and on a non-exclusive basis;
4. We equip drivers with real time data on demand, so they can make more money and serve customers more effectively

In this submission we have confined ourselves to commenting on areas that we feel are most relevant to us as Birmingham's largest private hire operator and the drivers we represent.

We would, of course, be happy to elaborate in any areas that are of further interest to you.

1. **Condition 5** : Requirement for planning permission

We request that Planning permission not be required where the office is used as a B1 office space. As you are aware, app based booking services do not require a “booking office” that have public access. They can and do operate out of a B1 office space like any software business.

2. **Condition 23**: Mobile phones or smartphones are not allowed to be used, installed, fitted to or carried in any private hire vehicle for the purpose of inviting, passing or accepting bookings for that vehicle, except where such a device is installed for the exclusive purpose of housing a PDA or PDA software for the purposes of dispatch of that PHV.

We welcome the change to allow smartphones to accept bookings. It is a great step towards allowing modern technology to enable an efficient dispatching process. We do not, however, recognise the logic for the retention of a clause restricting the ability of drivers to use their own device in vehicles.

In our experience of the rest of the UK where this practice is permitted - London, Manchester, Leeds, Bristol, Sheffield, Newcastle, Slough - we have seen no evidence of increased levels of adverse outcomes.

For these reasons, we request that the condition be modified as below to reflect the direction of change:

“...where such a device is installed for the exclusive purpose of housing an app or software for the purposes of dispatch of that PHV. Dispatch to a driver’s smartphone through any means other than through the software or app is not permitted.”

We believe that clarifying that the dispatch to a smartphone has to be through the software or app eliminates the risk of touting through doctoring the booking records using an accomplice in the Private Hire Operator base, which as we understand it, is the primary reason for this condition.

It should also be noted that Birmingham City Council has used a Bring Your Own Device scheme for its own employees since 2013. This was implemented with the specific aim of reducing costs for new technology in a rapidly innovating marketplace. We urge you to permit similar flexibility and choice for private hire drivers. We believe that this provision ultimately results in an extra cost to the individuals Birmingham chooses to license. We would also urge Birmingham to consider extra safety measures to be added here regulating the usage of the devices while on the move. For example, 'The PDA must always be kept in a holder and never in a driver's hand while the vehicle is moving'.

3. Conditions 41 to 43: Destination Entry

We believe that mandatory destination entry should not be a requirement in a modern, technology-enabled industry. In a modern GPS facilitated market, the record of actual trips taken is far more valuable to both the customer, operator, regulator and law enforcement than any record of the original booking. The historic intent behind forced destination entry has been both public safety and route efficiency. Neither of these remain compelling in a technology-enabled market since new entrants - like Uber - have vastly improved both. On public safety, the Uber system records in real-time a level of detail that allows customers, drivers, operators and law enforcement to know the precise timing and details of every single interaction facilitated by the Uber platform.

In terms of efficiency and route taken, meticulous planning before the pickup would now waste time and result in delays for passengers. If Birmingham City Council is concerned about quality of service, it is important to note that the Uber interface gives the passenger a choice over whether to input destination or not.

There has also long been strong anecdotal evidence of private hire operators and taxi drivers effectively screening booking requests to adhere to their own criteria (distance, area of the city etc.). The fact that an Uber partner-driver only receives the destination for a trip fare when the passenger is in the car is a safeguard that ensures that we can provide a reliable service to everyone at all times, whatever their planned journey.

While there may remain a place for fares to pre-agreed destinations for pre-agreed prices, the proliferation of operators in the market means that customers now have a choice about which operator and what type of booking they plan to make. Of course, customers should always be able to receive an accurate fare estimate at the point of booking their journey as an integral part of making sure they are protected at all times throughout the transaction.

We have also seen from the use of our platform over the last three years that many appreciate the flexibility of being able to make multiple stops, change final destination as their plans change or direct the driver themselves. Over 80% of Uber journeys have a destination entered prior to the beginning of a trip.

If Birmingham City's concern main concern here is the prevalence of "As directed" bookings at hotels and other establishments by operators that do not have the traceability that a modern platform allows, we urge that you amend this condition to say that bookings should not be taken unless

1. A destination is passed at the time of booking, OR
2. There is an ability to track the journey from start to finish

This would achieve the objective of public security while allowing innovation in the industry.

We would also point out that as far as we are aware, there is no requirement for mandatory destination entry with any other licensing authority in the UK.

4. **Condition 62:** The specified complaints or allegations are: •of sexual misconduct, sexual harassment or inappropriate sexual attention, racist behaviour, Violence, Dishonesty, Breaches of equality

We fully support Birmingham City Council's effort to make the Private Hire industry as diverse and inclusive as it is possible to be. Uber has a zero tolerance policy to any acts of discrimination.

5. **Conditions 54 to 56: 'OUT OF TOWN' HACKNEY CARRIAGES**

We understand that these conditions were added to understand the impact of Out of Town hackney carriages operating in Birmingham. As you know, we do not have Out Of Town

hackney carriages working on our platform and hence have no comments on the addition of these conditions. We do, however, have a large number of drivers who have signed up to be a partner driver with Uber in Birmingham and do not have a private hire licence but would like to get one. We also have come across a lot of drivers from outside of Birmingham, who would love to convert to a Birmingham Private Hire Driver.

We believe that there is huge benefit to the licensing department if these drivers were able to secure a Birmingham Private Hire licence. Some councils in the UK have recently removed barriers to securing a licence due to similar issues to those faced in Birmingham. For example, Newcastle upon Tyne removed its knowledge test in May 2015. This has been in response to a large number of out of town Hackney Carriage drivers plying their trade in the city. They have since seen a sharp rise in applications and the number of new applications that Newcastle Council have been able to process. As a result, they have enforcement authority over more and more drivers working in the city. We welcome the opportunity to work with Birmingham City on getting high quality drivers secure a licence faster.

I hope you will give due consideration to our requests. Please let me know if it would be helpful to discuss any of these and I would be happy to meet at your offices.

I look forward to working with you on bringing these new conditions to market.

Thank you and best regards,

Fouzan

Licensing Enforcement
Place Directorate
Birmingham City Council
Crystal Court
50 Rocky Lane
Aston
Birmingham
B6 5RQ

Our Ref: DBW / Star Cars
Your Ref: Shawn Woodcock
Date: 7 September 2015
Please ask for: David Wilson

By email only to:
shawn.woodcock@birmingham.gov.uk

Dear Mr Woodcock,

Star Cars – Consultation Response – Private Hire Operator Licence Conditions

I act for Star Cars and would like to take this opportunity to thank you for inviting my client to comment on the proposed new standard conditions to be attached to private hire operator licences.

Rather than provide abstract comment, I have, as far as possible, incorporated suggested changes and comments into the attached tracked MS Word version of your original document. Where it has been possible to make minor changes, tracked changes have been made and a comment added, if the reasons for the suggested change are not self-evident. However, where it is suggested that a whole paragraph or condition should be removed they have been highlighted and a comment added stating the reason for the suggestion.

If it would assist you to appreciate how the final document might look, I would be happy to produce a further document incorporating all the suggested changes, but time constraints (despite your generous extension of time until today) have not permitted that to be done.

The suggested changes and the reasons for them are intended to give effect to the Regulators' Code (BRDO/14/705), a copy of which I attach for your ease of reference.

The Council is respectfully asked to give particular consideration to the foreword and introductory paragraph of the Regulators' Code, as well as paragraphs 1, 1.1, 1.2, 5, 5.1 and 5.2.

As I am sure you appreciate, this is a statutory code to which the Council must have regard.

There remains the recurring issue of licensing or, more particularly, not licensing incorporated bodies (limited companies and limited liability partnerships).

I understand that the Council accepts it could license an incorporated body, but purports to chose not to do so, because of perceived enforcement difficulties.

However, the Council seems not to have given proper consideration to the provisions of sections 72(2) and 44(3) of the Local Government (Miscellaneous Provisions) Act 1976, which permit.

With the very greatest of respect, the Council's current approach is irrational and perverse!

Taking my own clients for example, I have to regard my clients as being both the licensed operator, Mrs Jacqueline Markham and the limited company, Star Cars and Coaches Ltd. Mrs Markham is licensed to make provision in the course of business for the invitation and acceptance of bookings for a private hire vehicle, but in fact does not do so. On the other hand, the limited company does engage in the licensable activity, but does not have a licence permitting it to do so.

We understand the Council also has difficulties taking effective enforcement action against some businesses, because when there are issues, a new seemingly fit and proper person simply applies for an operator's licence to continue the operation of the business. However, if the Council licensed incorporated bodies it would not be as easy for a new operator to obtain a new licence and to take over the running of the business, because the licence would remain in the name of the incorporated body. In similar circumstances, other councils have attached conditions to licences to prohibit certain persons who have previously been engaged in the business and / or not to be a fit and proper person for other reasons to be barred from the premises or being engaged in the management or operation of the business by way of conditions attached to the licence.

Therefore, as well as considering the conditions that should be attached to private hire operator licences, the Council is respectfully asked to again consider whether it is right for it to refuse to licence any applicant that is an incorporated body.

If I can assist any further, please do not hesitate to contact me.

Finally, thank you for extending the time for the making of this response to this morning.

Yours sincerely,



David B Wilson

Licensing Consultant, Mediator and Trainer
Consulting Editor, Paterson's Licensing Acts 2015-16

Email: david.wilson@a2zlicensing.co.uk
Mobile: 07794 776383

BIRMINGHAM CITY COUNCIL

**REPORT OF THE DIRECTOR OF REGULATION AND ENFORCEMENT
TO THE LICENSING AND PUBLIC PROTECTION COMMITTEE**

13 JULY 2016
ALL WARDS

**PROPOSAL TO INTRODUCE A QUALITY RATING SYSTEM
FOR PRIVATE HIRE OPERATORS**

1. Summary

- 1.1 In October 2014 this Committee considered a report to develop a scheme to 'score' Private Hire Operators on their level of compliance with licence conditions and provide positive encouragement to improve standards. Consultation was arranged with the trade to discuss the proposals.
- 1.2 The scheme envisages a system similar to that of the Food Hygiene Rating Scheme (FHRS) from the Food Standards Agency, to be published on the Birmingham City Council website, allowing members of the public to make informed choices and compare the standard of private hire operators against each other.
- 1.3 The aim of the scheme is to promote the private hire trade within Birmingham and attempt to drive up service standards; making operators more accountable for the actions of their drivers.
- 1.4 It is anticipated that publicising the rating of operators assessed under the scheme will give greater customer confidence in their choice of operator, hence increasing competition and driving up standards across the trade.

2. Recommendations

- 2.1 That the Committee considers the scoring mechanism outlined in Appendix 1.
- 2.2 That subject to the views and comments of the Committee, officers be instructed to consult with the trade and wider public on the proposals and bring the responses to that consultation back to this Committee in September 2016 with a view to implementing the scheme from October 2016.

Contact Officer: Chris Neville, Head of Licensing
Telephone: 0121 675 2495
Email: chris.neville@birmingham.gov.uk

Originating Officer: Shawn Woodcock, Licensing Operations Manager (Acting)

3. Background

- 3.1 There is evidence from over 100 food hygiene rating schemes operating throughout the UK that indicate publicising food hygiene scores can bring about improvements in levels of hygiene.
- 3.2 It is anticipated that publicising compliance with Private Hire Operator Conditions would increase compliance and, in turn, increase safety standards and levels of customer care for members of the public.

4. Proposal

- 4.1 The proposed scheme will cover all licensed Private Hire Operators, within Birmingham, and the scoring of the business will be based on compliance with the indicators listed on the assessment form, attached as Appendix 1.
- 4.2 There are 45 items on which each operator will be assessed. One point will be allocated for compliance with all aspects of each item.
- 4.3 In an attempt to make operators more accountable for their drivers, 5 points will be deducted if a driver representing their company is cautioned or prosecuted for plying for hire.

- 4.4 There will be 2 types of indicator on which the assessments will be based:

Essential criteria: based on the new proposed conditions attached to each operator licence, a copy of which is attached as Appendix 2.

Bonus criteria: evidence of written policies and procedures to demonstrate best practice, support for their own staff through training and implementing measures to enhance consumer experience and safety.

- 4.5 There are 28 Essential criteria and 17 Bonus items.
- 4.6 Each operator will then be allocated a quality rating based on their score:
 - <10 points– Licensed.
 - 11-20 points– Bronze.
 - 21-30 points– Silver.
 - >30 points – Gold.
 - All points awarded – Platinum.
- 4.7 It is anticipated that assessments will be on an annual basis, conducted during routine inspections. If an operator wishes to make improvements and apply for a secondary inspection, they may do so on payment of a fee.
- 4.8 The results of the quality rating will be published on City Council website.

5. Consultation

- 5.1 The proposal to introduce a rating scheme was discussed at an open forum meeting in the Council Chamber on 12 February 2015 to which all private hire operators were invited. The event was attended by 12 people representing 8 operators.
- 5.2 A small number of operators accepted the idea of a scheme in principle however the majority of those attending spoke strongly against it. They objected to being held responsible for the actions of their drivers, but all agreed that before any such scheme could be implemented the conditions of licence should be reviewed first as they were out “not fit for purpose”.
- 5.3 As a result of this consultation the private hire operators’ conditions have been reviewed and new draft conditions being presented to this committee today.
- 5.4 Other questions raised by the operators included:
- Exemptions for those operators doing contract work only.
 - What systems are in place to identify a need for a scheme, and
 - The introduction of a policy to deal with illegal plyers

6. Implications for Resources

- 6.1 At this stage there are no implications for resources: assessments would be conducted alongside routine operator inspections requiring minimal extra time. Current licensing fees cover the costs of these inspections.

7. Implications for Policy Priorities

- 7.1 The activity described in this report contributes to the key aim of your Committee to improve standards of licensed people, premises and vehicles in the City.
- 7.2 In addition to helping to drive up private hire operator standards in Birmingham, the quality rating scheme allows members of the public to make informed choices about which businesses they wish to give their custom to. Both of these outcomes support the City Council’s strategic objective ‘Stay Safe in a Clean, Green City’.

8. Public Sector Equality Duty

- 8.1 No specific implications have been identified.

Background Papers: nil

APPENDIX 1

Scoring System

E – Essential criteria **B** – Bonus criteria

SECTION & CONDITION NUMBER OR BONUS POINT	INDICATOR	TICK TO AWARD POINT	E or B
STAFF			
11	Nominated manager on site and fully aware of conditions of licence		E
B	Is this documented? (if 'yes' award point)		B
12	Staff Register		E
12	Supporting documents		E
B	Is there a documented Management rota? (if 'yes' award point)		B
B	Documented Staff Training in respect of how to answer calls and dealing with complaints		B
B	Written staff disciplinary procedure		B
DRIVERS & VEHICLES			
B or N/A	Operating out of town vehicles? Checks made with relevant licensing authority and insurance companies to verify documentation & advising them that vehicle being operated within Birmingham. This must be evidenced by way of letter/e-mail from insurer and local authority.		B
B	Routine, documented, vehicle checks conducted (inc. price lists displayed prominently)		B
B	Receipts issued to all customers as a matter of course identifying driver		B
B	Written contract between operator and driver outlining dress code, code of conduct, issue of receipts		B
B	Written driver disciplinary procedure		B
RECORD OF BOOKINGS			
29	Able to print out records from computer system at all times		E
30 (ai) or (aii)	Name & Signature or Code of person making record		E
30b	Time & date of booking		E
30c	Name of Hirer (not 'see staff' or 'as directed')		E
30d	Time & pick up point		E
30e	Place of destination (not 'as directed' or 'local')		E
30f	Time vehicle allocated to booking		E
30g	Driver call sign or registration number of vehicle allocated to booking		E
30i	If applicable, the name of the other operator from whom a booking was received and / or to whom the booking was subcontracted.		E
31	Destinations recorded properly		E
34	Records kept for 12 months and readily available for inspection		E
DOCUMENTS TO BE KEPT BY THE OPERATOR			
7, 8, 9	Copy of licence on display or available for inspection		E
35	Up to date driver & vehicle list with all required information (inc start & finish dates)		E
4	List forwarded to Licensing Monthly		E
36	No PHD licences missing		E
36	No PHV licences missing		E
36	No MOT missing		E
36	No insurance missing		E
37	Documents kept for 12 months and available for inspection		E

E – Essential criteria **B** – Bonus criteria

SECTION & CONDITION NUMBER OR BONUS POINT	INDICATOR	TICK TO AWARD POINT	E or B
ASSISTANCE DOGS & WHEELCHAIR USERS			
B	Written policy		B
B	Documented staff training		B
COMPLAINTS			
B	Documented complaints procedure		E
38a	Name, contact details of complainant and date received		E
38b	Date, time and details/nature of complaint		E
38c	Name of driver (and badge number) or member of staff, to which the complaint relates		E
38d	Details of action taken		E
41	Records kept for 12 months and available for inspection		E
B	Documented staff training on procedure		B
EXTRAS			
B	Customer informed of type of vehicle being despatched to booking		B
B	Basic 'ring back' that vehicle arrived		B
B	Car seats available for driver use if requested by customer		B
B	Wheelchair accessible vehicle on fleet		B
B	Sign up to BCC Voluntary Code on litter		B
SCORE			
NEGATIVE POINTS (-5 points)	Driver representing company cautioned or prosecuted for plying for hire		
FINAL SCORE			

PRIVATE HIRE OPERATORS CONDITIONS OF LICENCE

This licence is granted subject to the following conditions. Failure to comply with any of the conditions could lead to a criminal prosecution and/or your licence being suspended, revoked or not renewed.

If you are aggrieved by any of the conditions attached to this licence you may make an application for exemption from them and attend a hearing before the Licensing Sub Committee, alternatively you can appeal to a Magistrates Court within 21 days of the service of this licence on you.

If you have any difficulty in understanding the implications of any of the conditions below, please let the Licensing Office know immediately so that arrangements can be made to assist you in that respect.

CONDITIONS

INFORMATION TO BE REPORTED TO THE LICENSING OFFICE

1. Any of the following events that affect you, or any individual or company named on the application form or a manager nominated by you during the period your licence is in force, must be reported in writing to the Licensing Office within **7 days** giving full details:
 - a) of any conviction or finding of guilt (criminal or motoring offence)
 - b) of any caution (issued by the Police or any other agency)
 - c) receipt of a Magistrates' Court summons
 - d) receipt of a fixed penalty notice for any matter (including a motoring offence)
 - e) receipt of a warning or court order in relation to harassment or any other form of anti-social behaviour
 - f) receipt of a civil or family law injunction
 - g) if arrested for any offence (whether or not charged)
 - h) if charged with any criminal offence.

In the case of a motoring endorsement, **do not wait** for your licence to be returned from the DVLA.

2. If you are refused any type of licence by any other regulatory authority or any such licence is suspended, revoked or not renewed you must inform the Licensing Office, in writing within **7 days**, of such an event and provide the following information:
 - i) the name of the regulatory authority
 - ii) the licence number(s) of the licence(s) suspended, revoked or refused renewal
 - iii) the date of the decision
 - iv) a copy of any document issued by the regulatory authority giving the reasons for the authority's decision.

3. If you change your home address you must inform the Licensing Office, in writing within 7 days, of your new home address.
4. You must provide the Licensing Office an updated Driver and Vehicle List on the first of every month. This can be provided by post, in person or via email but should include **all** drivers and vehicles operated by you for the purposes of private hire and their call signs.
5. You must notify the Licensing Office, in writing within 7 days, of the name and details of any individual to be nominated as a Responsible Person for managing your business in your absence prior to their commencement in that role. Should a nominated person cease to be employed in this capacity, you must notify the Licensing Office, in writing within 7 days, of that fact.
6. You must notify the Licensing Office, in writing, within 7 days of any change in the ownership/management/partnership of the operation as specified in your application form.

LICENSED PREMISES

7. If the public have access to your premises your licence must be prominently displayed in a position that is clearly visible.
8. If the public do not have access to your premises then upon request you must either provide a copy or permit any member of the public to view a copy of your licence and conditions.
9. In respect of these copies of your licence either on display or made available on request you may delete your personal address if shown on the licence.

STAFF

10. Either you or a Responsible Person over the age of 18 and notified by you in writing to the Licensing Office pursuant to Condition 5 must be in charge of the operation and immediately contactable by an authorised officer at any time during the hours of operation.
11. You must ensure that any Responsible Person left in charge of the premises in your absence is fully aware of these conditions of licence, the need to comply with them and be able to produce the records to an authorised officer on request.
12. No person other than a director, partner or employee shall be engaged in any aspect of the business. You must keep and maintain at the licensed premises a register of all such persons, which shall include their full name, date of birth, home address, national insurance number, contact telephone number, any call sign/codes they are allocated and the dates their employment commenced/terminated.

The aforementioned register must be retained at the premises and be made available to an authorised officer for inspection at any time during the hours of operation together with documentary proof of identification and that each employee has been registered with HMRC as an employee of the operator.

STATIONERY & ADVERTISEMENTS

13. You must not advertise or use stationery with a trading name that is not included in your Private Hire Operator's licence without obtaining the prior written approval of the Licensing Office.
14. You must not advertise or use stationery showing your trading name in a different style/format of letters, numbers or logos without obtaining the prior written approval of the Licensing Office.
15. You must not advertise your private hire business in a manner which gives rise to confusion with another private hire operator licensed by this Council or any other neighbouring council.
16. No notice, sign or advertisement seeking to advertise or promote your business of a private hire operator, wherever it is displayed, shall consist of or include the words "TAXI" or "CAB" or "For Hire" whether in the singular or plural, or any words or devices which give any indication that the service to which the notice, sign or advertisement relates is that which can only be provided by a licensed Hackney Carriage.
17. You must ensure that staff answering your private hire telephone number(s) does so by using your trading name only.
18. You must provide your drivers with stationery that they can use for issuing receipts. The stationery shall include your trading name and space for the drivers' call sign, details of the journey and the fare paid to be recorded.

DRIVERS AND VEHICLES

19. Private Hire Operators in the City of Birmingham shall only operate with vehicles and drivers licensed by the Birmingham City Council and shall operate only from premises within the City boundary.
20. Mobile phones or smart phones are not allowed to be used, installed, fitted to or carried in any private hire vehicle for the purpose of inviting, passing or accepting bookings for that vehicle.

The only exception to this is where a phone is installed specifically to host an app. designed for the acceptance of bookings from your operator.

TAXIMETERS

21. Should a taximeter be fitted to any private hire vehicle operated by you, you must ensure that it has been tested, sealed and certified to have been calibrated and set to your tariff(s) before it can be used for calculating fares for passengers.
22. Should fares be calculated using technology other than a conventional taximeter, you must ensure that the fare displayed in the vehicle as payable by the customer shall be that which provides the greatest benefit to the customer; irrespective of whether that was the route taken by the vehicle unless the customer chose the route and / or agreed to pay on a basis other than shortest route.

VEHICLE IDENTITY PLATES & SIGNAGE

23. You must ensure that every private hire vehicle operated by you is issued with such operator signs and notices as may be required for the vehicle to be compliant with

the conditions of the City Councils Vehicle Signage Policy and approved in writing by the Licensing Office. No other signage is permitted.

24. If you want to change the design of your operator signs you must secure written approval from the Licensing Office.
25. Only one approved door sign design is to be in use at any one time. All previous versions must be removed from circulation when a new approved sign is introduced.

RECORDS OF BOOKINGS

26. You must keep a record of all private hire bookings in the manner prescribed (See Condition 30 below).
27. Unless specific consent is given to you, in writing to the contrary, you are required to keep the records of all bookings in a suitable hard back book which has consecutive page numbers. You must ensure the entries are clearly and easily legible.
28. Should you wish to use a computerised system, then you must first obtain consent in writing from the Licensing Office.
29. If you have a computerised booking system, you must ensure it is able to produce a print out of any records requested by an authorised officer at all times.
30. You shall ensure that at the time of booking of each journey, an entry is made in the record book or computer booking and dispatch system the following details for every booking invited or accepted for private hire including:
 - ai) The name and signature of the person making the record and the radio operator for each period of duty - Record Book only
 - a ii) The code for the person making the record - Computerised system only
 - b) The date on which the booking is made and, if different, the date of the proposed journey
 - c) The name of the person for whom the booking is made or, if more than one person, the name of one of them
 - d) The agreed time and place of collection, or, if more than one, the agreed time and place of the first place of collection
 - e) The main destination specified by the customer at the time of the booking
 - f) The time a vehicle was allocated to the booking
 - g) The driver's call sign or registration number of the vehicle allocated the booking
 - h) The fare agreed for the journey (where appropriate)
 - i) If applicable, the name of the other operator from whom a booking was received and / or to whom the booking was subcontracted.
31. Recording destinations - The very minimum you should record is the street and postal area of the main destination (e.g. Stratford Road, Hall Green) or the place (e.g. The Robin Hood, Stratford Road). At best it should be the full postal address (e.g. 1456 Stratford Road, Hall Green, B28 9ES). It is not sufficient to record just the postal area (e.g. Hall Green) as that would cover too wide an area. However where you know the full postcode (e.g. B28 9ES) that will suffice, as it would identify the street destination.
32. When allocating a booking to a driver, you must provide them with all of the following details:

- a) the name of the person for whom the booking is made
 - b) the agreed time and place of collection
 - c) the stated destination
 - d) the fare agreed (if applicable).
33. You must not accept or record details of any booking passed to you by a driver.
34. Your records of all private hire bookings, whether retained in a book or on a computerised system, must be kept at your licensed premises for at least 12 months and be readily available for production to an authorised officer for inspection at any time during the hours of operation.

DOCUMENTS TO BE KEPT BY THE OPERATOR

35. You must keep and maintain an up to date record of **all** the drivers and vehicles operated by you for the purposes of private hire on a Driver and Vehicle List, which must include:
- a) the call sign allocated to the driver/vehicle
 - b) the driver's name and private hire badge number
 - c) the vehicle's registration and private hire plate numbers
 - d) the date the driver commenced and finished (if applicable).
36. You must obtain and retain the following documentation in respect of every vehicle and driver you operate prior to allocating them any bookings, namely:
- a) a copy of the driver's current private hire driver's licence or badge
 - b) a copy of the vehicle's current private hire vehicle licence or front identity plate
 - c) a copy of the vehicle's current MOT certificate
 - d) a copy of the vehicle's current insurance certificate or cover note in respect of the driver using the vehicle.
 - e) a copy of the Taximeter Calibration Certificate, where appropriate
37. The above documentation relating to vehicles and drivers must be retained at your licensed premises for at least 12 months after a vehicle or driver ceases to undertake work for you and be readily available for production to an authorised officer for inspection at any time during the hours of operation.

COMPLAINTS

38. You must establish a complaints procedure and take all reasonable steps to fully investigate any complaints, ensuring a record is kept of the following information:
- a) the name, contact details of complainant and date complaint received
 - b) the date, time and details/nature of the complaint
 - c) the name of the driver (and Badge number) or member of staff, to which the complaint relates
 - d) details of any action taken.
39. Upon receiving any 'specified complaint' or allegation regarding any person licensed by Birmingham City Council you must report it immediately when the licensing office is open, and in any other event immediately upon the Licensing Office next opening.

40. The specified complaints or allegations are of:

- sexual misconduct, sexual harassment or inappropriate sexual attention
- racist behaviour
- violence
- dishonesty i.e. overcharging/theft
- breach of equality legislation

41. Your records of complaints, whether retained in a book or on a computerised system, must be kept for at least 12 months at your licensed premises and be readily available for production to an authorised officer for inspection at any time during the hours of operation.

SUB-CONTRACTING JOBS

42. You must ensure that if you pass a booking to any vehicle other than a Birmingham licensed private hire vehicle, or to another operator, that you advise the customer of this at the time of booking.

Report to:	LICENSING AND PUBLIC PROTECTION COMMITTEE	
Report of:	ACTING SERVICE DIRECTOR REGULATION AND ENFORCEMENT AND STRATEGIC DIRECTOR FINANCE AND LEGAL	
Date of Decision:	13 JULY 2016	
SUBJECT:	LICENSING AND PUBLIC PROTECTION – BUDGET MONITORING 2016/17 (MONTH 02)	

1. Purpose of Report:
<p>1.1 This report sets out the position on the Licensing and Public Protection Committee's Revenue Budget at the end of May 2016 (Month 2) and the forecast position for the year end. It highlights any issues that have arisen and informs the Licensing and Public Protection Committee of any action being taken to contain spending within the approved cash limits.</p> <p>1.2 The report also details the latest performance within the Licensing and Public Protection Committee including progress against the approved Savings Programme for 2016/17.</p> <p>1.3 The report is in line with the current City Council established financial monitoring framework to ensure that expenditure is managed within cash limits.</p>

2. Decision(s) Recommended:
<p>The Licensing and Public Protection Committee is requested to :</p> <p>2.1 Note the latest Revenue budget position at the end of May 2016 (Month 2) and Forecast Outturn as detailed in Appendix 1.</p> <p>2.2 Note the position with regard to the Savings Programme for 2016/17 as detailed in Appendix 2.</p> <p>2.3 Note the expenditure on grant funded and Proceeds of Crime funded programmes in Appendix 3.</p> <p>2.4 Note the position on reserves and balances, as detailed in Appendix 4.</p>

Lead Contact Officer(s):	Sukvinder Kalsi, Assistant Director of Finance
Telephone No:	0121 303 3834
E-mail address:	sukvinder.kalsi@birmingham.gov.uk

3. Consultation
<p data-bbox="86 156 1495 246">3.1 <u>Internal</u></p> <p data-bbox="199 246 1495 380">The financial position on the revenue budget is reported on a monthly basis to the Management Team and the Acting Service Director of Regulation and Enforcement is briefed on the major financial issues, as required in line with the Council's framework.</p> <p data-bbox="86 380 1495 470">3.2 <u>External</u></p> <p data-bbox="199 470 1495 629">There are no additional issues beyond consultations carried out as part of the budget setting process for 2016/17.</p>

4. Compliance Issues:
<p data-bbox="86 707 1495 828">4.1 <u>Are the recommended decisions consistent with the Council's policies, plans and strategies?</u></p> <p data-bbox="199 828 1495 918">The budget is integrated with the Council Business Plan, and resource allocation is directed towards policy priorities.</p> <p data-bbox="86 918 1495 1030">4.2 <u>Financial Implications (Will decisions be carried out within existing finances and Resources?)</u></p> <p data-bbox="199 1030 1495 1142">The Licensing and Public Protection Revenue Budget Monitoring document attached gives details of monitoring of service delivery within available resources.</p> <p data-bbox="86 1142 1495 1523">4.3 <u>Legal Implications</u></p> <p data-bbox="199 1142 1495 1523">Section 151 of the 1972 Local Government Act requires the Strategic Director of Finance and Legal (as the responsible officer) to ensure proper administration of the City Council's financial affairs. Budgetary control, which includes the regular monitoring of and reporting on budgets, is an essential requirement placed on directorates and members of Corporate Management Team by the City Council in discharging the statutory responsibility. This report meets the City Council's requirements on budgetary control for the specified area of the City Council's Directorate activities.</p> <p data-bbox="86 1523 1495 1953">4.4 <u>Public Sector Equality Duty</u></p> <p data-bbox="199 1523 1495 1953">There are no additional specific Equality Duty or Equality Analysis issues beyond any already assessed and detailed in the budget setting process and monitoring issues that have arisen in the year to date. Any specific assessments will be made by the Directorates in the management of their services.</p>

5. Relevant Background/Chronology of Key Events:

Revenue Budget

- 5.1 The City Council approved the overall budget on 1 March 2016. The Licensing and Public Protection Committee noted the original net revenue budget allocation of £5.951m (as detailed in Appendix 1). As at Month 2, the budget has been reduced by £0.396m. The major changes are detailed in the table below.

	£'m
Original Budget 2016/17 Reported to LPPC 16 March 2016	5.951
Planned use of Reserves – Licensing Fees and Charges	(0.311)
Depreciation Adjustments	(0.199)
Cross Cutting Savings (Energy, Printing, etc.)	(0.010)
Additional resources for staff increments	0.124
Current Approved Net Revenue Budget 2016/17 – Month 2	5.555

- 5.2 The City Council has well-established arrangements for monitoring spending against the cash limited budgets allocated to Directorates/Committees. Reports are presented to Cabinet monthly on the overall city-wide financial position and the Licensing and Public Protection Committee receive periodic reports during the financial year.
- 5.3 Additional resources of £0.110m have been approved for the Coroners service from Policy Contingency in respect for additional staffing resources. This will be reflected in the committee's budget in July and will form part of future monitoring reports.

Revenue

- 5.4 The Licensing and Public Protection Committee has spent £0.367m at Month 2.
- 5.5 This forms part of a year-end projected pressure of £0.800m (£0.391m relating to the Savings Programme and £0.409m relating to new budget pressures).
- 5.6 The table below provides a high level summary of the Licensing and Public Protection Committee's financial forecast as at the end of May 2016 (the full details are set out in Appendix 1).

		Forecast Year End Variations	
Budget Head		Savings Programme £'m	Base Budget Pressures £'m
Employees		0.024	(0.209)
Premises		-	0.040
Transport		-	(0.080)
Supplies and Services		-	(0.787)
Third Party Payments		-	-
Recharge Expenditure		-	-
Sub-Total		-	(0.955)
Income		0.367	1.445
Total		0.391	0.409

Savings Programme

- 5.7 The Committee has a significant Savings Programme for 2016/17 relating to all service areas, as shown in Appendix 2.
- 5.8 This includes step up savings, accelerated step ups and new savings totalling £0.332m.
- 5.9 In addition, there are savings from 2015/16 of £0.339m where actions and solutions still needed to be identified. The total pressure for 2016/17 therefore is £0.671m.
- 5.10 At this point in time, only £0.280m (42%) has actions in place, whilst £0.391m still requires ongoing solutions to be identified and developed in the current financial year.
- 5.11 Savings of £0.024m previously applied to the Animal Welfare service have been subject to a petition received by Full Council. Provisionally additional resources have been allocated to meet this savings target, subject to Cabinet approval in July. The outcome will be reported to LPPC in September.
- 5.12 The continued rigorous management action and financial control of officers is required to ensure that the programme will be achieved.

Year End Projection

- 5.13 A significant net pressure of £0.800m is being projected at this stage due mainly to expected shortfalls in income.
- 5.14 This includes some expected savings such as employee vacancies in Environmental Health at the start of the financial year and savings are expected against transportation budgets from reduced purchasing and repairs of vehicles.
- 5.15 Supplies and Services includes major savings from Public Health, however this is partly offset by Autopsy, Laboratory Fees, etc.
- 5.16 Income is expected to be a significant pressure of £1.445m with Register Office, Pest Control and Licensing all continuing to operate at similar levels to those experienced in 2015/16.
- 5.17 Managers in consultation with the Service Director Regulation and Enforcement will ensure that any identified pressures are minimised and are working towards achieving the cash limited budget by continuing:
- Stringent control of discretionary expenditure.
 - New areas of service provision for the generation of income.
 - Careful management of vacancies, temporary staff and redeployment.

Capital

- 5.18 The City Council has now approved a Capital programme for Mortuary and Coroners to undertake essential health and safety works. The prudential borrowing will be a revenue cost to the service in future years of £0.024m per annum commencing in 2017/18 and this will be funded through service efficiencies.

Grant Funded and Proceeds of Crime Funded Programmes

- 5.19 Within Regulatory Services, there are two grant funded programmes for Illegal Money Lending England and Scambusters. There are two Proceeds of Crime Programmes funded through a proportion of the assets recovered following successful prosecutions.
- 5.20 The expenditure and income for each programme is shown in Appendix 3.
- 5.21 The Illegal Money Lending England (IMLT).
- IMLT investigates and takes action against Illegal Money Lending or “Loan Shark” perpetrators across the whole of England.
 - The project is funded through specific grant from National Trading Standards Board with additional funding from Financial Conduct Authority.
 - Overall funding available has been confirmed as reduced this year from £3.605m to £3.523m. This will be reflected in budgets from Month 4 onwards.
 - The expenditure at the end of May was £0.377m.
 - This budget is strictly ring-fenced to this grant funded service.
- 5.22 Scambusters.
- This team investigates and takes action against fraudsters operating across council boundaries in the central region.
 - This is a regional project funded through specific grant of £0.261m through the National Trading Standards Board.
 - The expenditure at the end of May £0.024m.
 - This budget is strictly ring-fenced to this grant funded service.
- 5.23 Proceeds of Crime Act 2002.
- Regulatory Services secures funding through the Proceeds of Crime Act 2002 in response to financial investigations undertaken post sentencing by the courts.
 - This money is strictly ring-fenced and can only be utilised by the Council for community and crime prevention projects.
 - Illegal Money Lending and Trading Standards have spent £0.049m (£0.023m and £0.026m respectively) on such specific PoCA projects from April to May 2016.
 - This is in line with 2015/16 spending levels, however this is expected to increase shortly to reflect the increased balances that are available for 2016/17.

Balances and Reserves

- 5.24 The balances and reserves for the Committee are shown in Appendix 4.
- 5.25 The balances brought forward on 1 April 2016 total £1.368m and these are specific ring-fenced resources.
- 5.26 The projected use of reserves in 2016/17 is £0.311m relating to Licensing as part of the Committees ongoing policy on setting licence fees.

6. Evaluation of Alternative Option(s):

- 6.1 During the year ahead the financial position will continue to be closely monitored and options identified to resolve budgetary pressures as necessary, and alternative savings proposals developed to meet new and emerging pressures

7. Reasons for Decision(s):
7.1 The Report informs the Licensing and Public Protection Committee of the Revenue Budget for 2016/17 and the forecast outturn at the end of May 2016.
7.2 The latest position in respect of the Licensing and Public Protection Committee's year-end projections, use of reserves, Savings Programme and risks are also identified.

Signatures

Alison Harwood
Acting Service Director Regulation and Enforcement

Jon Warlow
Strategic Director of Finance and Legal

Date

List of Background Documents used to Compile this Report:
Licensing & Public Protection - Revenue and Capital Budget 2016/17 – 16 March 2016

List of Appendices accompanying this Report (if any):			
<div>1. Appendix 1 - Financial Performance Statement Month 2 and Provisional Outturn</div> <div>2. Appendix 2 - Savings Programme Performance 2016/17 Month 2</div> <div>3. Appendix 3 - Summary of IMLT, Scambusters and PoCA</div> <div>4. Appendix 4 - Balances and Reserves at Month 2</div>			
Report Version	3.1	Dated	29 June 2016

Licensing and Public Protection Committee - 2016/17 Month 02 - Revenue Expenditure

Subjective Headings

Budget 16Mar2016	Subjective Categories	Original Budget	Movement (Apr-May)	Current Budget	Actuals	Forecast Year End	Savings Programme at Risk	Pressures
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
£'000		£'000	£'000	£'000	£'000	£'000	£'000	£'000
10,086	Employees	10,086	270	10,356	1,717	(185)	24	(209)
957	Premises	957	(2)	955	83	40	0	40
200	Transport and Moveable Plant	200	0	200	19	(80)	0	(80)
2,541	Supplies and Service	3,541	(153)	3,388	275	(787)	0	(787)
0	Third Party Payments	0	0	0	0	0	0	0
198	Capital Financing	198	10	208	35	0	0	0
3	Recharge Expenditure	3	0	3	30	0	0	0
13,985	Gross Expenditure	14,985	125	15,110	2,159	(1,012)	24	(1,036)
0	Grants	0	0	0	0	0	0	0
0	Reimbursements	0	0	0	0	0	0	0
(4,023)	Fees & Charges / Reserves	(4,342)	(1)	(4,343)	(888)	900	367	533
(4)	Rents etc	(4)	0	(4)	(2)	0	0	0
(3,537)	Misc Income / Depreciation	(3,728)	(10)	(3,738)	(765)	912	0	912
(470)	Recharge Income and Interest	(1,470)	0	(1,470)	(137)	0	0	0
(8,034)	Income	(9,544)	(11)	(9,555)	(1,792)	1,812	367	1,445
5,951	Net Expenditure	5,441	114	5,555	367	800	391	409

Service Areas

Budget 16Mar2016	Service Areas	Original Budget	Movement (Apr-May)	Current Budget	Actuals	Forecast Year End	Savings Programme at Risk	Pressures
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
£'000		£'000	£'000	£'000	£'000	£'000	£'000	£'000
3,532	Environmental Health	3,532	(6)	3,526	528	(800)	34	(834)
(3)	Pest Control	(3)	0	(3)	42	220	0	220
450	Registrars	348	0	348	(207)	500	0	500
1,122	Mortuary and Coroners	1,053	0	1,053	140	100	0	100
1,566	Trading Standards	1,539	(4)	1,535	299	(20)	10	(30)
(764)	Licensing	(1,076)	124	(952)	(397)	800	347	453
5,903	Net Expenditure - Regulatory	5,393	114	5,507	405	800	391	409
74	Access and Development	74	0	74	6	0	0	0
(88)	Highways Regulatory	(88)	0	(88)	(44)	0	0	0
62	Surveying Services	62	0	62	0	0	0	0
48	Net Expenditure - Highways	48	0	48	(38)	0	0	0
5,951	LPPC - Net Expenditure	5,441	114	5,555	367	800	391	409

Note: figures exclude : PoCA, IMLT and Scambusters (see Appendix 3)

0	IMLT + Scambusters	0	0	0	0	0	0	0
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5,951	LPPC+Grant Funded Items	5,441	114	5,555	367	800	391	409
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Licensing and Public Protection Committee

Savings Programme and Tracker at Month 02 (end May) 2016/17

		Progress against specific Savings with Actions Required				
	Total Programme 2016/17	Actions in place to fully achieve Savings	Actions in place to Achieve savings in year only	Actions in place but some risk to delivery	Actions not in place and solutions to be identified	TOTAL
(1)	(2)	(3)	(4)	(5)	(6)	(7)
	£'000	£'000	£'000	£'000	£'000	£'000
Environmental Health	(34)	0	0	(10)	(24)	(34)
Licensing and Enforcement *	(532)	(185)	0	(8)	(339)	(532)
Mortuary and Coroners	(95)	(95)	0	0	0	(95)
Pest Control	0	0	0	0	0	0
Registrars	0	0	0	0	0	0
Trading Standards	(10)	0	0	(10)	0	(10)
Regulatory Services	(671)	(280)	0	(28)	(363)	(671)
Highways Regulatory	0	0	0	0	0	0
Surveying Services	0	0	0	0	0	0
Access and Deveopment	0	0	0	0	0	0
Highways Services	0	0	0	0	0	0
Total Savings Programme	(671)	(280)	0	(28)	(363)	(671)

Savings 2016/17 = £0.332m, plus £0.339m savings from 2015/16 not achieved
 Licensing and Enforcment includes £0.339m savings from 2015/16 not achieved

Licensing and Public Protection Committee

Grant and PoCA Funded Programme at Month 02 (May) 2016/17

Service Areas	Current Budget 2016/17	Actuals Year to Date	Forecast Year End Variance
(1)	(2)	(3)	(4)
	£'000	£'000	£'000
<u>Illegal Money Lending England (IMLT)</u>			
Employees	2,563	340	0
Running Costs	792	37	0
Legal Services	250	0	0
Gross Expenditure	3,605	377	0
Grant Income (NTSB & FCA)	(3,605)	(377)	0
Income	(3,605)	(377)	0
Net Expenditure	0	0	0
<u>Scambusters</u>			
Employees	179	23	0
Running Costs	42	1	0
Legal Services	40	0	0
Gross Expenditure	261	24	0
Grant Income (NTSB)	(261)	(24)	0
Income	(261)	(24)	0
Net Expenditure	0	0	0
<u>PoCA - Illegal Money Lending England</u>			
Expenditure on Schemes	0	23	0
Income Received via Asset Recovery	0	0	0
Planned Appropriation to/(from) Reserves	0	(23)	0
Net Expenditure	0	0	0
<u>PoCA - Trading Standards</u>			
Expenditure on Schemes	0	26	0
Income Received via Asset Recovery	0	0	0
Planned Appropriation to/(from) Reserves	0	(26)	0
Net Expenditure	0	0	0

Licensing and Public Protection Committee - 2016/17 Month 02 - Balances and Reserves

	Licensing		Grants		PoCA			
Reserves and Balances	Entertainment Licensing	Hackney Carriage and Private Hire	Illegal Money Lending Team	Scambusters Team	PoCA Trading Standards	PoCA Illegal Money Lending	Total Ringfenced Reserves	Total Reserves and Balances
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000
Reserves and Balances 01 April 2016	215	(366)	(279)	(13)	(338)	(587)	(1,368)	0
Transactions to/from Balances 2016/17								
Planned Use of Reserves in 2016/17	0	311	0	0	0	0	311	0
Appropriations from Reserves in year	0	0	0	0	0	0	0	0
Net Movements 2016/17	215	(55)	(279)	(13)	(338)	(587)	(1,057)	0
Estimated Reserves 31 March 2017	215	(55)	(279)	(13)	(338)	(587)	(1,057)	0
Each account is strictly ring fenced in accordance with legislation								

BIRMINGHAM CITY COUNCIL

**REPORT OF THE ACTING DIRECTOR OF REGULATION AND ENFORCEMENT
TO THE LICENSING AND PUBLIC PROTECTION COMMITTEE**

13 JULY 2016
ALL WARDS

FIXED PENALTY NOTICES ISSUED MARCH AND APRIL 2016

1. Summary
 - 1.1 The report sets out a breakdown, on a Constituency/Ward basis, of fixed penalty notices issued in the City during the periods March and April 2016.
2. Recommendation
 - 2.1 That the report be noted.

Contact Officer: Mark Croxford, Head of Environmental Health
Telephone: 0121 303 6350
E-mail: mark.croxford@birmingham.gov.uk

3. Background

3.1 The issuing of fixed penalty notices [FPN] by officers from Regulation and Enforcement is one of the means by which the problems of environmental degradation such as littering and dog fouling are being tackled within the City.

3.2 The yearly total numbers of fixed penalty notices issued are indicated below.

<u>Month</u>	<u>Fixed Penalty Notices Issued</u>
April 2004 – Mar 2005	382
April 2005 – Mar 2006	209
April 2006 – Mar 2007	650
April 2007 – Mar 2008	682
April 2008 – Mar 2009	1,147
April 2009 – Mar 2010	1,043
April 2010 – Mar 2011	827
April 2011 – Mar 2012	2,053
April 2012 – Mar 2013	1,763
April 2013 – Mar 2014	1,984
April 2014 – Mar 2015	4,985
April 2015 – Mar 2016	5,855

4. Enforcement Considerations and Rationale

4.1 The attached appendices (1-3) show on a ward and constituency basis where FPNs were issued during the period April 2015 - March 2016.

4.2 Appendices 4-6 show where FPNs were issued during the period April 2016.

4.3 By identifying both the area where the FPN is issued and the ward/area that the litterer lives this demonstrates that the anti-litter message is being spread right across the city. By and large litter patrols are targeted to the primary and secondary retail areas of the city because there is a high level of footfall and they engage with a full cross section of the population. Targeted areas include locations where there are excessive levels of littering, smoking areas with high levels of cigarette waste that cause blight in the city and areas where there are known problems associated with groups gathering to eat outdoors.

4.4 The number of incidences of Fixed Penalty Notices being issued reflects the fact that there is still a problem with littering on our streets. Since the Health Act came into force there has been a decline in street cleanliness associated with cigarette waste. This is reflected not only in these statistics but also in the environmental quality surveys undertaken by Fleet and Waste Management that record cigarette waste being the most prevalent waste upon our streets and identify it in 98% of all samples of street cleanliness.

- 4.5 One of the difficulties in resolving the problem of cigarette waste being deposited on the street is that the perception of many smokers is that cigarette waste is not litter. A change in the culture and perceptions of these smokers is critical to resolving this problem.
- 4.6 Anyone who receives a FPN is encouraged to talk to their co-workers, friends and families to promote the anti-litter message.
5. Consultation
- 5.1 The Enforcement Policy that underpins the work identified in this report is approved by your Committee. The policy reflects the views of the public and the business community in terms of the regulatory duties of the Council. Any enforcement action[s] taken as a result of the contents of this report are subject to that Enforcement Policy.
6. Implications for Resources
- 6.1 The work identified in this report was undertaken within the resources available to your Committee.
7. Implications for Policy Priorities
- 7.1 The issue of fixed penalty notices has a direct impact on environmental degradation within the City and the Council's strategic outcome of staying safe in a clean, green city.
8. Public Sector Equality Duty
- 8.1 The actions identified in this report were taken in accordance with approved enforcement policies which ensure that equalities issues have been addressed.

ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: FPN records

APPENDIX 1
WARDS WHERE FPN'S ARE ISSUED

Constituency	Ward	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Total
Edgbaston	Bartley Green	0	0	0	1	0	1	0	1	0	1	0	0	4
	Edgbaston	0	0	0	0	1	1	0	0	1	0	0	1	4
	Harborne	7	1	0	0	0	0	1	0	0	0	3	0	12
	Quinton	1	0	1	0	0	1	0	0	3	0	1	0	7
Erdington	Erdington	7	2	7	2	8	19	7	2	3	1	2	0	60
	Kingstanding	0	1	1	0	3	1	0	0	0	1	0	0	7
	Stockland Green	0	1	2	1	0	1	0	0	1	7	2	0	15
	Tyburn	2	12	0	11	0	0	1	2	0	1	1	1	31
Hall Green	Hall Green	0	2	0	0	0	0	0	0	0	1	0	0	3
	Moseley And Kings Heath	1	5	3	0	2	4	1	1	0	3	0	4	24
	Sparkbrook	0	3	4	5	5	6	0	0	1	1	2	0	27
	Springfield	2	2	1	0	2	2	3	2	2	1	4	0	21
Hodge Hill	Bordesley Green	3	2	2	5	3	0	1	0	0	2	2	0	20
	Hodge Hill	3	0	2	0	1	0	0	1	2	0	6	0	15
	Shard End	3	1	1	0	0	0	0	0	0	1	3	2	11
	Washwood Heath	1	4	2	2	1	3	2	0	0	0	2	1	18
Ladywood	Aston	5	3	0	1	0	0	0	3	2	0	2	0	16
	Ladywood	491	459	500	533	406	442	418	368	185	337	467	454	5060
	Nechells	65	50	36	32	25	27	7	25	10	13	18	16	324
	Soho	1	3	0	0	0	1	4	1	11	0	7	1	29
Northfield	Kings Norton	1	1	0	0	1	0	0	0	2	0	0	0	5
	Longbridge	1	0	0	0	1	0	0	0	0	0	0	0	2
	Northfield	0	0	0	0	1	0	0	0	4	0	0	2	7
	Weoley	1	0	1	0	3	0	0	0	0	1	1	0	7
Perry Barr	Handsworth Wood	1	0	0	0	0	1	1	0	2	1	3	1	10
	Lozells And East Handsworth	0	0	0	0	0	0	2	0	3	0	4	1	10
	Oscott	1	0	0	1	0	1	0	1	1	0	1	0	6
	Perry Barr	1	0	0	1	2	1	0	1	6	1	0	0	13
Selly Oak	Billesley	2	0	0	0	2	0	0	0	0	0	0	0	4
	Bournville	0	0	0	0	0	0	0	0	0	0	0	6	6
	Brandwood	2	0	0	0	0	0	0	0	0	0	0	0	2
	Selly Oak	3	1	5	0	0	0	1	0	0	0	0	0	10
Sutton Coldfield	Sutton Four Oaks	0	1	0	0	1	0	0	0	0	0	0	0	2
	Sutton New Hall	1	0	0	0	0	0	1	0	1	0	1	0	4
	Sutton Trinity	0	0	0	0	0	3	0	1	2	1	0	0	7
	Sutton Vesey	0	0	0	0	0	0	0	2	0	0	0	0	2
Yardley	Acocks Green	3	1	0	1	1	0	0	0	0	4	2	0	12
	Sheldon	1	2	0	0	0	0	0	0	0	2	1	0	6
	South Yardley	1	5	1	0	1	1	2	2	4	1	2	2	22
	Stechford And Yardley North	2	0	0	0	1	0	1	1	1	0	3	1	10
Total		613	562	569	596	471	516	453	414	247	381	540	493	5855

APPENDIX 2
WARD OF PERSON RECEIVING FIXED PENALTY NOTICES BY CONSTITUENCY/WARD

Constituency	Ward	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Total
Edgbaston	BARTLEY GREEN	6	3	4	3		8	5	3	2	4	4	7	49
	EDGBASTON	8	4	8	7	7	8	7	7	2	1	8	3	70
	HARBORNE	6	3	7	5	4		2	7	4	3	5	5	51
	QUINTON	14	8	11	5	5	7	6	3	3	5	4	4	75
Erdington	ERDINGTON	7	5	8	5	7	7	8	3	2	1	1	2	56
	KINGSTANDING	3	7	6	9	10	6	3	5		3		2	54
	STOCKLAND GREEN	7	4	9	7	3	6	7	4	1	8	5	5	66
	TYBURN	7	3	7	4	7	11	6	4	3	5	7	2	66
Hall Green	HALL GREEN	5	4	2	3	3	6	4	2	2	6	6	4	47
	MOSELEY AND KINGS HEATH	4	10	4	8	6	6	5	5	2	4	5	8	67
	SPARKBROOK	5	4	14	10	11	16	3	6	2	3	4	8	86
	SPRINGFIELD	7	7	4	6	7	4	5	7	3	5	8	4	67
Hodge Hill	BORDESLEY GREEN	7	10	2	8	7	5	11	3	4	4	4	5	70
	HODGE HILL	13	3	5	7	6	9	5	5	5		9	3	70
	SHARD END	10	7	10	3	4	4	7	3	1	3	3	5	60
	WASHWOOD HEATH	4	9	6	6	5	6	2	4		1	5	1	49
Ladywood	ASTON	9	10	7	8	6	9	4	6	6	5	4	9	83
	LADYWOOD	24	27	19	25	17	22	16	14	9	8	21	14	216
	NECHELLS	9	18	13	14	8	10	7	12	4	12	11	9	127
	SOHO	8	5	7	10	8	7	8	4	13	4	12	5	91
Northfield	KINGS NORTON	5	4	10	4	6	1	1	5	6	3	5	4	54
	Longbridge	6		5	7	8	3	1	1	1	4	3	3	42
	NORTHFIELD	5	3	5	13	2	3	7	5	2	7	9	3	64
	WEOLEY	6	8	3	4	5	3	6	3		2	6	3	49
Perry Barr	HANDSWORTH WOOD	6	2	5	1	5	4	2	3	3	3	8	4	46
	LOZELLS AND EAST HANDSWORTH	7	8	6	4	7	6	6	5	6	6	4	5	70
	OSCOTT	6	8	3	6	7	7	7	4	5	3	3	3	62
	PERRY BARR	3	3	5	7	2	1	4	4	8	2	4	1	44
Selly Oak	BILLESLEY	4	4	6	3	7	3	1	3	2	1	2	5	41
	BOURNVILLE	3	6	3	7	6	6	4	5	3	2	2	6	53
	BRANDWOOD	6	5	6	5	4	2	2	5	1	5	5	2	48
	SELLY OAK	7	1	11	4	4	5	3	4	1	6	6	7	59
Sutton Coldfield	SUTTON FOUR OAKS	4	4	2	4	3	6		1	1	4		5	34
	SUTTON NEW HALL	5	4	3	2		4	3	2	1	1	2		27
	SUTTON TRINITY	5	1	3	2	1	1	4	1	1	3	1	1	24
	SUTTON VESEY	1	4	3	3	2	3	4	4		6	4	2	36
Yardley	ACOCKS GREEN	8	4	6	5	4	3	5	4		5	3	2	49
	SHELDON	3	4	5	4	3	2	2	6	2	1	1	1	34
	SOUTH YARDLEY	7	14	3	5	3	4	6	3	6	9	5	3	68
	STECHFORD AND YARDLEY NORTH	5	4	12	3	4	13	6	2	6	2	16	4	77
	Ward not recorded	1	0	1	1	1	0	0	0	0	1	1	0	6
OUTSIDE OF BIRMINGHAM	OUTSIDE BIRMINGHAM TOTAL	337	303	304	337	247	275	256	236	122	216	320	318	3271
	Location not recorded	10	17	6	12	9	4	2	1	2	4	4	6	77
Grand Total		613	562	568	566	471	516	453	414	247	381	540	493	5,855

APPENDIX 3

FIXED PENALTY NOTICES ISSUED TO PERSONS RESIDING OUTSIDE THE BIRMINGHAM AREA

RESIDENCE OF FPN RECIPIENT	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Grand Total
Aberdeen (S)			1										1
Adur				1									1
Allerdale							1						1
Amber Valley	1					1			1			1	4
Arun		1				1					1		3
Aylesbury Vale	1		2	1		1			1	2		1	9
Ballymena (NI)						1							1
Barrow-in-Furness				1									1
Basildon		1					1						2
Basingstoke and Deane	1		1									1	3
Bassetlaw										1			1
Bath and North East Somerset					1	1	1	2		1		1	7
Bedford		2	1		1			2					6
Belfast (NI)	1										1		2
Blaby								1		1			2
Blackburn with Darwen				1		1						1	3
Blackpool		1	1				1						3
Bolton				2	1	1					1		5
Borough of Poole	1					1							2
Boston			2										2
Bournemouth		3			1				2	1	1		8
Bracknell Forest			1				2				1		4
Brentwood							1			1			2
Brighton & Hove			1				5						6
Bristol	4	1	2	2	1	2	1			1	5	5	24
Broadland								1					1
Bromsgrove	6	7	4	5	4	2	3		5	5	5	8	54
Broxbourne										1			1
Broxtowe			1										1
Burnley		1	1										2
Bury		1				1				1			3
Caerphilly (W)										1			1
Calderdale											1	1	2
Cambridge	1	1	1	2			3			1		1	10
Cannock Chase	5	3	2		3	1	5	2	3	8	3	5	40

Cardiff (W)	3		1	1	2	1	1		1		1	1	12
Carlisle	1			1		1					1		4
Carmarthenshire (W)									1				1
Central Bedfordshire				1	2	1							4
Ceredigion (W)	1												1
Charnwood	2						1	1		1	2	1	8
Chelmsford		2		2				1					5
Cheltenham	1			1	1	2							5
Cherwell	3									2	3	1	9
Cheshire East		1		1	1	2	2	2	1	1	2	4	17
Cheshire West and Chester	2			2		3		1			1	2	11
Chesterfield			1	1						1			3
Chichester											1		1
Chorley	1					1							2
City of Bradford	1		1			1	2	1	2		2		10
City of York		1	1					1				1	4
Colchester	1												1
Conwy (W)					1							1	2
Copeland												2	2
Corby					1						1		2
Cornwall	1		1	1	1	2		1		1			8
Corporation of London								1					1
Cotswold									1				1
County Durham							1						1
Coventry	15	17	19	20	10	15	11	6	3	8	7	9	140
Dacorum					1					3	2		6
Dartford				1			2						3
Daventry			1	2	1		2				4		10
Denbighshire (W)				1			1	1				1	4
Derby	1	2	2	5	2	1	3	7	3	3	5	8	42
Derbyshire Dales		1	1	2		1						3	8
Derry (NI)							1						1
Doncaster				2						1	2	1	6
Dover							1				1		2
Dudley	19	29	16	25	14	21	10	17	5	7	20	14	197
Dundee (S)												1	1
Dungannon and S. Tyrone (NI)												1	1
East Devon						1			1		3		5
East Dorset											2		2

East Hampshire	1		2					1	1	4		9
East Hertfordshire							1			2		3
East Lindsey									1			1
East Northamptonshire			2				1		1	2		6
East Riding of Yorkshire		1	2		1				1		1	6
East Staffordshire		1		1	3		1	3		3	1	15
Eastbourne						1						1
Eastleigh						1					1	2
Edinburgh (S)			1					1	1		2	5
Elmbridge		1		1			2			1		5
Epping Forest								1	1			2
Epsom and Ewell					1							1
Erewash										1		1
Exeter			2									2
Falkirk (S)	1									1		2
Fareham	2			1				1				4
Fife (S)						1						1
Flintshire (W)		1										1
Fylde											2	2
Gateshead	2						1			1		4
Gedling	2											2
Glasgow (S)			1	1			1			1	1	5
Gloucester	2	2	1	1		1	5	5	2	1	4	25
Gosport											1	1
Great Yarmouth				1	1							2
Guildford				1							1	2
Gwynedd (W)										1	1	2
Halton	2			1						1		4
Hambleton			1					2		1		4
Harborough						1					1	2
Harlow					1		1				1	3
Harrogate				1								1
Hart			1									1
Hartlepool	1											1
Hastings						1				1		2
Havant					1							1
Herefordshire	3	5	3	6	2	3	4	2	2	1	1	40
Hertsmere					1	1				1		3
Highland (S)				1							2	3

Hinckley and Bosworth	1	2			1	2		1	1			2	10
Horsham		1											1
Huntingdonshire		1			1								2
Ipswich						2							2
Isle of Wight	1				1								2
Kettering				2		1	1			1			5
Kings Lynn and West Norfolk						2							2
Kingston Upon Hull	1	1								1			3
Kirklees				1	2					1			4
Knowsley										1			1
Lancaster	2			2		3		1		1	4		13
LB of Barking and Dagenham						1	1						2
LB of Barnet	2	1		1	1	1		1	1	2			10
LB of Bexley	2		2			4		1					9
LB of Brent	1	1				2	1	1					6
LB of Bromley	3	3	1	1	1								9
LB of Camden	1	1		1			2		1		1	1	8
LB of Croydon			1				2				2	5	10
LB of Ealing	3	1		1	1		1				1	1	9
LB of Enfield		1	2	1		1					1	1	7
LB of Greenwich					1			1			1	2	5
LB of Hackney		1	1			2	1	1	1				7
LB of Hammersmith and Fulham		1		1			1		1		1	1	6
LB of Haringey	1	1	2	2	3			3			3		15
LB of Harrow	1		1	2	2		1	1					8
LB of Hillingdon		1								1			2
LB of Hounslow	2	1		1							2	1	7
LB of Islington	2			1			1				2		6
LB of Lambeth	1			3	1	4			1	1	1	2	14
LB of Lewisham	3							2			1		6
LB of Merton				1	1			2		1			5
LB of Newham		1	1	1		2	1	1			1	1	9
LB of Redbridge		2				1	1	1					5
LB of Richmond Upon Thames							1	1					2
LB of Southwark			3	2	2	1				1	1	3	13
LB of Sutton			1					1					2
LB of Tower Hamlets	1	1			1	1	1	1			1		7
LB of Waltham Forest		1	1		1						2	1	6
LB of Wandsworth				1	3	4		2	1			1	12

Leeds	3	1	1	2	1	1		2			3	1	15
Leicester	4	4	4	6	4	4	4	2	2	6	5	5	50
Lewes							1						1
Lichfield	6	1	5	2	4	2	4	4	3	2	6	4	43
Lincoln	2	2	1		1				1	1	4	2	14
Liverpool	1	3	3			5			1	3	5	2	23
Luton		1			1		1				1	1	5
Maidstone	1		1				1						3
Maldon								1					1
Malvern Hills		1			1		2					1	5
Manchester	6	1	8	4	2	2	1	2	2		1	6	35
Mansfield	1					1						1	3
Medway	1			1							3		5
Melton	1												1
Mendip	1								1	1			3
Mid Suffolk				1									1
Middlesbrough	1												1
Milton Keynes	2	3	3		1	2	2		1	1	1	3	19
Mole Valley	1								1	1			3
Monmouthshire (W)	1									2	1		4
Neath Port Talbot (W)				1						1	1		3
Newark and Sherwood	1						1						2
Newcastle-under-Lyme	1	2				1			1	1		1	7
Newcastle-upon-Tyne												2	2
Newport (W)	1		1			1	1			1		1	6
North Devon			2										2
North Dorset							1						1
North Lanarkshire (S)							1				1	1	3
North Lincolnshire		2		1								1	4
North Norfolk			2					3					5
North Somerset					1							1	2
North Tyneside					1								1
North Warwickshire				4	1	2	1	6	1	2	1	3	21
Northampton	9	2	3	8	3		1	5	2	1	3	4	41
Norwich							1						1
Nottingham	2	2	2	3	3	1	3	1	4	1	4	5	31
Nuneaton and Bedworth	1	1	2		1	2	2	4	3	3	2	2	23
Oadby and Wigston						1							1
Oldham					1		1		1	1		1	5

Outside of UK		3	2	2	1	4					4	3	19
Oxford	5	3	3	4	4	3	1		1		4	2	30
Pembrokeshire (W)	2								1				3
Peterborough	2	1	1	1			1			1		2	9
Plymouth			1						1			2	4
Portsmouth			1					2				1	4
Powys (W)										1		1	2
Preston					1					1		1	3
RB of Kensington and Chelsea			1		1			1		1	3	1	8
RB of Windsor and Maidenhead	1	1		2		1			1				6
Reading					2	1			1			1	5
Redcar and Cleveland		1							1				2
Redditch	4	7	5	4	5	3	4	6	2	3	6	8	57
Reigate and Banstead			2									1	3
Richmondshire	1			1									2
Rochdale		1	1	1	1								4
Rochford						1	1						2
Rossendale							1	1					2
Rother	1				1	2	1					1	6
Rotherham									2	1			3
Rugby	3	3	3	2	7	1	1	4		4	1	2	31
Runnymede	1												1
Rushcliffe	1												1
Rushmoor		1										1	2
Rutland					1								1
Salford					1	1	1	1		1		1	6
Sandwell	27	22	27	33	15	33	26	26	11	16	24	18	278
Scarborough							1						1
Sedgemoor						1						1	2
Sefton			1		1			1			2		5
Sevenoaks					1	1							2
Sheffield			1	4	3	2	2					1	13
Shepway				1									1
Shropshire	6	4	4	1	3	6	2	5	1	4	7	4	47
Slough		1				2					1	1	5
Solihull	27	22	18	24	18	24	10	18	7	14	12	14	208
South Ayrshire (S)											3		3
South Buckinghamshire				1									1
South Derbyshire				1									1

South Gloucestershire								1			1	1	3
South Hams							1						1
South Lakeland										1			1
South Lanarkshire (S)											1	1	2
South Somerset	2											1	3
South Staffordshire	3	5	6	2	3	1			2	3	3	4	32
South Tyneside			1										1
Southampton	1	2			2								5
Southend-on-Sea			1							1		2	4
St Albans								1					1
St Edmundsbury						1							1
St Helens		2											2
Stafford	8	7	7	7	2	6	8	8	1	6	13	5	78
Staffordshire Moorlands		2	2			1							5
Stockport		2	2		1	1		1		2		1	10
Stockton-on-Tees		1									1		2
Stoke-on-Trent	3	2		2	4	6	2	6			1	3	29
Stratford-on-Avon	3	2	2				2	1	1	1	3	3	18
Stroud				1						1			2
Suffolk Coastal				1	2							1	4
Sunderland City Council	1	1	2				1				1		6
Surrey Heath	1		4	3	2		1	1					12
Swale		1	1										2
Swansea (W)			1									1	2
Swindon	1					1					1	1	4
Tameside	1		1	1	2		1			2	1		9
Tamworth	1	2		4		3	1	3	1			2	17
Taunton Deane	1				1						1		3
Teignbridge	1		1		1								3
Telford and Wrekin	5	4	5	7	4	1	1	6	2	2	4	2	43
Tewkesbury									1				1
Thanet										1			1
Thurrock			1							1			2
Tonbridge and Malling				1									1
Torbay	1											1	2
Torfaen (W)										1	1		2
Torridge		1											1
Trafford				1	1	2							4
Uttlesford												1	1

Vale of Glamorgan (W)	1								1		1		3
Wakefield						1		1	1	1	1		5
Walsall	15	21	18	19	13	8	15	7	7	11	22	10	166
Warrington	1	1					1				2		5
Warwick	6	2	7	6	7	4	3	2		5	3	3	48
Watford		1			1							1	3
Wealden			1	1			2				1		5
Wellingborough		1				3							4
West Berkshire				1							2	1	4
West Devon			1					1					2
West Dunbartonshire (S)								2					2
West Lancashire												1	1
West Lothian (S)						1							1
West Oxfordshire			1									1	2
Westminster	1			1		1	1	1	1				6
Wigan		2		1								3	6
Wiltshire	2	1		3		1							7
Winchester							1	1				1	3
Wirral				2							1		3
Woking				2			1			1	1	1	6
Wolverhampton	23	21	21	18	14	12	12	9	2	9	14	13	168
Worcester	5	9	10	10	11	4	13	4	4	6	3	12	91
Worthing											1		1
Wrexham (W)	1		1			1	2			1		1	7
Wychavon				1									1
Wycombe	1						2				1		4
Wyre		4		1	1	1				2			9
Wyre Forest			1		1					1			3
(blank)	3	1		1	1				1	2	3	4	16
OUTSIDE BIRMINGHAM TOTAL	337	303	304	337	247	275	256	236	122	216	320	318	3271

APPENDIX 4

WARDS WHERE FPN'S ARE ISSUED

Constituency	Ward	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Total
Edgbaston	Bartley Green	0	0	0	0	0	0	0	0	0	0	0	0	0
	Edgbaston	0	0	0	0	0	0	0	0	0	0	0	0	0
	Harborne	0	0	0	0	0	0	0	0	0	0	0	0	0
	Quinton	0	0	0	0	0	0	0	0	0	0	0	0	0
Erdington	Erdington	0	0	0	0	0	0	0	0	0	0	0	0	0
	Kingstanding	0	0	0	0	0	0	0	0	0	0	0	0	0
	Stockland Green	0	0	0	0	0	0	0	0	0	0	0	0	0
	Tyburn	0	0	0	0	0	0	0	0	0	0	0	0	0
Hall Green	Hall Green	0	0	0	0	0	0	0	0	0	0	0	0	0
	Moseley And Kings Heath	4	0	0	0	0	0	0	0	0	0	0	0	4
	Sparkbrook	0	0	0	0	0	0	0	0	0	0	0	0	0
	Springfield	0	0	0	0	0	0	0	0	0	0	0	0	0
Hodge Hill	Bordesley Green	0	0	0	0	0	0	0	0	0	0	0	0	0
	Hodge Hill	0	0	0	0	0	0	0	0	0	0	0	0	0
	Shard End	1	0	0	0	0	0	0	0	0	0	0	0	1
	Washwood Heath	0	0	0	0	0	0	0	0	0	0	0	0	0
Ladywood	Aston	0	0	0	0	0	0	0	0	0	0	0	0	0
	Ladywood	475	0	0	0	0	0	0	0	0	0	0	0	475
	Nechells	10	0	0	0	0	0	0	0	0	0	0	0	10
	Soho	1	0	0	0	0	0	0	0	0	0	0	0	1
Northfield	Kings Norton	0	0	0	0	0	0	0	0	0	0	0	0	0
	Longbridge	0	0	0	0	0	0	0	0	0	0	0	0	0
	Northfield	0	0	0	0	0	0	0	0	0	0	0	0	0
	Weoley	0	0	0	0	0	0	0	0	0	0	0	0	0
Perry Barr	Handsworth Wood	0	0	0	0	0	0	0	0	0	0	0	0	0
	Lozells And East Handsworth	0	0	0	0	0	0	0	0	0	0	0	0	0
	Oscott	0	0	0	0	0	0	0	0	0	0	0	0	0
	Perry Barr	1	0	0	0	0	0	0	0	0	0	0	0	1
Selly Oak	Billesley	2	0	0	0	0	0	0	0	0	0	0	0	2
	Bournville	2	0	0	0	0	0	0	0	0	0	0	0	2
	Brandwood	2	0	0	0	0	0	0	0	0	0	0	0	2
	Selly Oak	0	0	0	0	0	0	0	0	0	0	0	0	0
Sutton Coldfield	Sutton Four Oaks	0	0	0	0	0	0	0	0	0	0	0	0	0
	Sutton New Hall	0	0	0	0	0	0	0	0	0	0	0	0	0
	Sutton Trinity	0	0	0	0	0	0	0	0	0	0	0	0	0
	Sutton Vesey	0	0	0	0	0	0	0	0	0	0	0	0	0
Yardley	Acocks Green	1	0	0	0	0	0	0	0	0	0	0	0	1
	Sheldon	0	0	0	0	0	0	0	0	0	0	0	0	0
	South Yardley	0	0	0	0	0	0	0	0	0	0	0	0	0
	Stechford And Yardley North	2	0	0	0	0	0	0	0	0	0	0	0	2
Total		501	0	0	0	0	0	0	0	0	0	0	0	501

APPENDIX 5

WARD OF PERSON RECEIVING FIXED PENALTY NOTICES BY CONSTITUENCY/WARD

Constituency	Ward	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Total
Edgbaston	BARTLEY GREEN	3	0	0	0	0	0	0	0	0	0	0	0	3
	EDGBASTON	7	0	0	0	0	0	0	0	0	0	0	0	7
	HARBORNE	3	0	0	0	0	0	0	0	0	0	0	0	3
	QUINTON	4	0	0	0	0	0	0	0	0	0	0	0	4
Erdington	ERDINGTON	2	0	0	0	0	0	0	0	0	0	0	0	2
	KINGSTANDING	5	0	0	0	0	0	0	0	0	0	0	0	5
	STOCKLAND GREEN	6	0	0	0	0	0	0	0	0	0	0	0	6
	TYBURN	4	0	0	0	0	0	0	0	0	0	0	0	4
Hall Green	HALL GREEN	0	0	0	0	0	0	0	0	0	0	0	0	0
	MOSELEY AND KINGS HEATH	6	0	0	0	0	0	0	0	0	0	0	0	6
	SPARKBROOK	4	0	0	0	0	0	0	0	0	0	0	0	4
	SPRINGFIELD	4	0	0	0	0	0	0	0	0	0	0	0	4
Hodge Hill	BORDESLEY GREEN	4	0	0	0	0	0	0	0	0	0	0	0	4
	HODGE HILL	4	0	0	0	0	0	0	0	0	0	0	0	4
	SHARD END	4	0	0	0	0	0	0	0	0	0	0	0	4
	WASHWOOD HEATH	4	0	0	0	0	0	0	0	0	0	0	0	4
Ladywood	ASTON	7	0	0	0	0	0	0	0	0	0	0	0	7
	LADYWOOD	17	0	0	0	0	0	0	0	0	0	0	0	17
	NECHELLS	6	0	0	0	0	0	0	0	0	0	0	0	6
	SOHO	7	0	0	0	0	0	0	0	0	0	0	0	7
Northfield	KINGS NORTON	2	0	0	0	0	0	0	0	0	0	0	0	2
	LONGBRIDGE	2	0	0	0	0	0	0	0	0	0	0	0	2
	NORTHFIELD	4	0	0	0	0	0	0	0	0	0	0	0	4
	WEOLEY	2	0	0	0	0	0	0	0	0	0	0	0	2
Perry Barr	HANDSWORTH WOOD	2	0	0	0	0	0	0	0	0	0	0	0	2
	LOZELLS AND EAST HANDSWORTH	4	0	0	0	0	0	0	0	0	0	0	0	4
	OSCOTT	2	0	0	0	0	0	0	0	0	0	0	0	2
	PERRY BARR	3	0	0	0	0	0	0	0	0	0	0	0	3
Selly Oak	BILLESLEY	7	0	0	0	0	0	0	0	0	0	0	0	7
	BOURNVILLE	5	0	0	0	0	0	0	0	0	0	0	0	5
	BRANDWOOD	7	0	0	0	0	0	0	0	0	0	0	0	7
	SELLY OAK	6	0	0	0	0	0	0	0	0	0	0	0	6
Sutton Coldfield	SUTTON FOUR OAKS	1	0	0	0	0	0	0	0	0	0	0	0	1
	SUTTON NEW HALL	0	0	0	0	0	0	0	0	0	0	0	0	0
	SUTTON TRINITY	1	0	0	0	0	0	0	0	0	0	0	0	1
	SUTTON VESEY	3	0	0	0	0	0	0	0	0	0	0	0	3
Yardley	ACOCKS GREEN	3	0	0	0	0	0	0	0	0	0	0	0	3
	SHELDON	0	0	0	0	0	0	0	0	0	0	0	0	0
	SOUTH YARDLEY	7	0	0	0	0	0	0	0	0	0	0	0	7
	STECHFORD AND YARDLEY NORTH	4	0	0	0	0	0	0	0	0	0	0	0	4
	Ward not recorded	4	0	0	0	0	0	0	0	0	0	0	0	4
OUTSIDE OF BIRMINGHAM	OUTSIDE BIRMINGHAM TOTAL	330	0	0	0	0	0	0	0	0	0	0	0	330
	Location not recorded	1	0	0	0	0	0	0	0	0	0	0	0	1
Grand Total		501	0	0	0	0	0	0	0	0	0	0	0	501

APPENDIX 6

FIXED PENALTY NOTICES ISSUED TO PERSONS RESIDING OUTSIDE THE BIRMINGHAM AREA

RESIDENCE OF FPN RECIPIENT	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Grand Total
Argyll and Bute (S)	1												1
Ashford	1												1
Bath and North East Somerset	2												2
Bedford	2												2
Blaby	1												1
Brentwood	1												1
Bridgend (W)	2												2
Brighton & Hove	1												1
Bristol	3												3
Bromsgrove	6												6
Broxtowe	1												1
Burnley	1												1
Bury	1												1
Cambridge	3												3
Cannock Chase	5												5
Cardiff (W)	1												1
Castle Point	2												2
Central Bedfordshire	1												1
Ceredigion (W)	1												1
Cheltenham	3												3
Cherwell	2												2
Cheshire East	2												2
Cheshire West and Chester	4												4
City of York	3												3
Copeland	1												1
Coventry	14												14
Denbighshire (W)	1												1
Derby	5												5
Dudley	16												16
Dundee (S)	1												1
East Hampshire	1												1
East Hertfordshire	2												2
East Northamptonshire	1												1
East Staffordshire	3												3
Eastleigh	1												1

Edinburgh (S)	1												1
Elmbridge	1												1
Exeter	1												1
Forest of Dean	1												1
Glasgow (S)	1												1
Gloucester	2												2
Gwynedd (W)	1												1
Highland (S)	1												1
Hinckley and Bosworth	1												1
Hyndburn	1												1
Kettering	1												1
Lancaster	2												2
LB of Barnet	3												3
LB of Camden	2												2
LB of Croydon	4												4
LB of Ealing	2												2
LB of Enfield	1												1
LB of Greenwich	1												1
LB of Hackney	1												1
LB of Hammersmith and Fulham	1												1
LB of Harrow	2												2
LB of Havering	1												1
LB of Lewisham	1												1
LB of Merton	1												1
LB of Newham	1												1
LB of Redbridge	1												1
LB of Southwark	1												1
LB of Tower Hamlets	1												1
LB of Waltham Forest	1												1
LB of Wandsworth	1												1
Leeds	4												4
Leicester	8												8
Lichfield	5												5
Lincoln	1												1
Liverpool	4												4
Malvern Hills	4												4
Manchester	2												2
Mid Devon	1												1
Middlesbrough	1												1

Milton Keynes	2												2
Newark and Sherwood	1												1
Newcastle-upon-Tyne	5												5
North Norfolk	1												1
Northampton	9												9
Northumberland	1												1
Nottingham	6												6
Nuneaton and Bedworth	5												5
Oldham	1												1
Oxford	1												1
Peterborough	2												2
Plymouth	2												2
Reading	2												2
Redditch	2												2
Rochdale	1												1
Rugby	2												2
Rutland	1												1
Sandwell	13												13
Sheffield	1												1
Shropshire	9												9
Solihull	16												16
South Derbyshire	1												1
South Gloucestershire	1												1
South Staffordshire	2												2
Stafford	6												6
Stockport	1												1
Stockton-on-Tees	1												1
Stoke-on-Trent	3												3
Stratford-on-Avon	5												5
Suffolk Coastal	1												1
Tamworth	2												2
Taunton Deane	1												1
Telford and Wrekin	4												4
Tonbridge and Malling	2												2
Torridge	1												1
Vale of Glamorgan (W)	1												1
Walsall	14												14
Warwick	4												4
Watford	1												1

Wealden	1												1
Wigan	2												2
Wirral	3												3
Wolverhampton	11												11
Worcester	11												11
Wyre Forest	1												1
Location not recorded	1												1
OUTSIDE BIRMINGHAM TOTAL	330	0	0	0	0	0	0	0	0	0	0	0	330

BIRMINGHAM CITY COUNCIL

**REPORT OF THE ACTING DIRECTOR OF REGULATION AND ENFORCEMENT
TO THE LICENSING AND PUBLIC PROTECTION COMMITTEE**

13 JULY 2016
ALL WARDS

PROSECUTIONS AND CAUTIONS DURING MARCH AND APRIL 2016

1. Summary
 - 1.1 This report summarises the outcome of legal proceedings taken by Regulation and Enforcement during the month of March and April 2016.
2. Recommendation
 - 2.1 That the report be noted.

Contact Officer: Alison Harwood, Acting Director of Regulation and Enforcement
Telephone: 0121 303 0201
E-Mail: Alison.harwood@birmingham.gov.uk

3. Results

3.1 During the months of March and April 2016:

- Four licensing cases resulted in fines of £896 and a total of 20 penalty points were awarded. Prosecution costs of £1,640 were awarded. 15 simple cautions were administered as set out in Appendix 1.
- 171 Environmental Health cases resulted in fines of £53,824, a 16 week suspended sentence, 17 months in custody and a six month conditional discharge. Prosecution costs of £34,965 were awarded. One simple caution was administered as set out in Appendix 2.
- Five Trading Standards cases resulted in fines of £6,250, a four month suspended sentence, a 32 week suspended sentence together with 180 hours unpaid work and 7 years imprisonment. Prosecution costs of £7,217 were awarded. Compensation in the sum of £500 was also awarded. No simple cautions were administered.
- Appendix 4.1 lists cases finalised by district in March 2016.
- Appendix 4.2 lists cases finalised by district April 2015 - March 2016.
- Appendix 4.3 lists cases finalised by district in April 2016.
- Appendix 5.1 lists the enforcement activity undertaken by the Waste Enforcement Team April 2015 - March 2016.
- Appendix 5.2 lists the enforcement activity undertaken by the Waste Enforcement Team in April 2016.

4. Consultation

- 4.1 The Enforcement Policy that underpins the work identified in this report is approved by your Committee. The policy reflects the views of the public and business in terms of the regulation duties of the Council. Any enforcement action[s] taken as a result of the contents of this report are subject to that Enforcement Policy.

5. Implications for Resources

- 5.1 Costs incurred in investigating and preparing prosecutions, including officers' time, the professional fees of expert witnesses etc. are recorded as prosecution costs. Arrangements have been made with the Magistrates Court for any costs awarded to be reimbursed to the City Council. Monies paid in respect of fines are paid to the Treasury.
- 5.2 For the month of March 2016 the following costs have been requested and awarded:

Licensing

£3,811 has been requested with £1,440 being awarded (37%)

Environmental Health

£21,791 has been requested with £18,780 being awarded (86%).

Trading Standards

£5,717 has been requested with £5,717 being awarded (100%).

- 5.3 For the year April 2015 to March 2016 the following costs have been requested and awarded:

Licensing

£45,721 has been requested with £27,234 being awarded (59%).

Environmental Health

£201,950 requested with £176,953 being awarded (87%).

Trading Standards

£72,757 requested with £55,098 being awarded (75%).

- 5.4 For the month of April 2016 the following costs have been requested and awarded:

Licensing

£614 has been requested with £200 being awarded (32%).

Environmental Health

£20,803 has been requested with £16,185 being awarded (77%).

Trading Standards

£25,000 has been requested with £1,500 being awarded (6%).

6. Implications for Policy Priorities

- 6.1 The contents of this report contribute to the priority action of ensuring business compliance with legislation to protect the economic interests of consumers and businesses as contained in the Council Business Plan 2015+.

7. Public Sector Equality Duty

- 7.1 The actions identified in this report were taken in accordance with the Enforcement Policy of the Licensing and Public Protection Committee which ensures that equality issues have been addressed.

ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: Nil

LICENSING CASES

APPENDIX 1

	Name & Address	Date Case Heard	Court	Legislation	Fine	Name & Address	Offence details
1	Majid Ul Rehman 92 Lulworth Road Hall Green Birmingham B28 8NT	4/3/16	Birmingham Magistrates Court	Town Police Clauses Act 1847 & Road Traffic Act 1988	£300 + 6 penalty points	£250 (£1,083 requested)	Pleaded <u>not guilty</u> to one offence of carrying more passengers than his private hire licence permitted and in doing so invalidated his insurance cover. Found guilty after trial.
2	MD Abdus Salam 63 Glenpark Road Ward End Birmingham B8 3QH	21/3/16	Birmingham Magistrates Court	Town Police Clauses Act 1847 & Road Traffic Act 1988	£331 – No Insurance No separate penalty for plying + 8 penalty points	£750 (£2,288 requested)	Pleaded <u>not guilty</u> to two offences; one offence of plying for hire outside Scruffy Murphy's in Dale End, Birmingham on 28 th February 2015 and one offence of consequently having invalid insurance. Found guilty after trial.
3	Anthony Kelvin Cave 99 Dorsington Road Acocks Green B27 7AF	31/3/16	Birmingham Magistrates Court	Town Police Clauses Act 1847 & Road Traffic Act 1988	£100 – No Insurance No separate penalty for plying + 6 penalty points	£440 (£440 requested)	Pleaded guilty to two offences; one offence of plying for hire on Shirley Road, Birmingham on 4 th September 2015 and one offence of consequently having invalid insurance.
4	Mumtaz Hussain 122 Ivor Road Sparkhill Birmingham B11 4NX	22/04/16	Birmingham Magistrates Court	Equalities Act 2010	£165	£200 (£614 requested)	Pleaded guilty to one offence of failing to carry out a booking accepted by five Star Cars and made by a disabled person because the disabled person was accompanied by an assistance dog.

LICENSING SIMPLE CAUTIONS

During the period of March 2016, four simple cautions have been administered.

Local Government (Miscellaneous Provisions) Act 1976

Section 48(6) Two cautions were issued for failing to display a private hire vehicle licence plate.

Section 54(2) One caution was issued for failing to wear a private hire driver's badge in a manner as to be plainly and distinctly visible.

Section 57 One caution was issued for knowingly omitting information on licence application form.

During the period of April 2016, eleven simple cautions have been administered.

Local Government (Miscellaneous Provisions) Act 1976

Section 48(6) Five cautions were issued for failing to display a private hire vehicle licence plate.

Section 54(2) Four cautions were issued for failing to wear a private hire driver's badge in a manner as to be plainly and distinctly visible.

Section 57 One caution was issued for knowingly omitting information on licence application form.

Byelaw 26 of the Birmingham City Council Hackney Carriage Byelaws 2008 made under section 68 of the Town Police Clauses Act 1847 and section 171 of the Public Health Act 1875

One caution was issued for failing to produce upon request a copy of the Hackney Carriage Byelaws for inspection.

ENVIRONMENTAL HEALTH CASES

APPENDIX 2

WASTE OFFENCES

	Name & Address	Date Case Heard	Court	Legislation	Fine /Penalty	Costs	Offence details
1	<p>Augustin Dobre 114 Village Road Aston Birmingham B6 6RD</p> <p>Ionut Muti 69 Holte Road Aston Birmingham B6 6RS</p>	1/3/16	Birmingham Crown Court	<p>Environmental Protection Act 1990</p> <p>Environmental Protection Act 1990</p> <p>Control of Pollution Act 1989</p>	<p>Dobre - 6 months imprisonment</p> <p>Muti - 11 months imprisonment for EPA offences</p> <p>No separate penalty for scrap metal offence</p>	<p>No order for costs</p> <p>No order for costs</p>	<p>Dobre pleaded guilty to five offences of depositing controlled waste (fly tipping), from a VW Sharron motor vehicle in Priory Road, Aston, Birmingham.</p> <p>Muti pleaded guilty to fifteen offences of depositing controlled waste (fly tipping), from a Ford Galaxy and VW Sharron motor vehicle in Priory Road, Aston, Birmingham and one offence of acting as a scrap metal dealer without a license</p>
2	Abdul Ghafoor 10 Brunswick Road Handsworth Birmingham B21 9AA	3/3/16	Birmingham Magistrates Court	Environmental Protection Act 1990	£300	<p>£1,062</p> <p>(£1,062 requested)</p> <p>+ £160 towards rubbish removal costs</p>	Pleaded guilty to one offence of depositing controlled waste (fly tipping), namely two black bags of waste relating to business at 168 Rookery Road, Birmingham.

	Name & Address	Date Case Heard	Court	Legislation	Fine /Penalty	Costs	Offence details
3	Ansar Mahmood 98 George Arthur Road Alum Rock Birmingham B8 1LW	17/3/2016	Birmingham Magistrates Court	Environmental Protection Act 1990	£120	£100 (£463 requested)	Pleaded guilty to one offence of knowingly causing controlled waste (fly tipping), namely a black bag of waste, to be deposited on Crawford Street, Alum Rock, Birmingham.
4	Willmott Dixon Partnerships Ltd Spirella 2 Letchworth Garden City Hertfordshire SG6 4GY	1/4/16	Birmingham Magistrates Court	Environmental Protection Act 1990	£14,000	£1,648.93 (£1,648.93 requested)	Pleaded guilty to one offence of knowingly causing controlled waste (fly tipping), namely broken slabs, soil and empty cement bags, to be deposited on Brookvale Road, Birmingham.
5	Khuram Sindhu 15 Bromford Drive Hodge Hill Birmingham B36 8TD	4/4/16	Birmingham Magistrates Court	Environmental Protection Act 1990	Absolute Discharge	None awarded (£558 requested)	Pleaded <u>not guilty</u> to one offence of depositing a mattress against a lamppost opposite 15 Bromford Drive, Birmingham. Found guilty after trial.
6	Mazafar Ali 94 Stechford Road Birmingham B34 6BH	28/04/16	Birmingham Magistrates Court	Environmental Protection Act 1990	£2,400 x 1 st offence No separate penalty x remaining offences	£1,517 (£1,517 requested)	Pleaded guilty to nine offences of depositing, or knowingly causing or permitting controlled waste (fly tipping) arising from building works in the Selly Oak area of the city to be deposited at a number of premises in Hubert Road, Tiverton Road, George Road and Dawlish Road, Selly Oak, Birmingham over a three month period.

	Name & Address	Date Case Heard	Court	Legislation	Fine /Penalty	Costs	Offence details
7	Arshad Mir Flat above 589 Stratford Road Birmingham B11 4LS	28/4/16	Birmingham Magistrates Court	Environmental Protection Act 1990	£145 x 1 st offence No separate penalty x 2 nd offence	£416.75 (£416.75 requested) + £160.50 towards rubbish removal costs	Pleaded guilty to two offences: one of depositing, or knowingly permitting controlled waste, (fly tipping), namely a black bag, to be deposited in front of Shimla Textiles, 595 Stratford Road, Birmingham and one of failing to keep written information of the transfer of waste and produce it to an authorised officer within 7 days.

FLY POSTING OFFENCES

	Name & Address	Date Case Heard	Court	Legislation	Fine /Penalty	Costs	Offence details
1	Shah Shapad 12 Capcroft Crescent Billesley Birmingham B13 0BF	28/4/16	Birmingham Magistrates Court	Town & Country Planning Act 1990	£80 x 1 st offence No separate penalty x 2 nd offence	£175 (£175 requested)	Pleaded guilty to two offences of displaying placards advertising "Morris Blinds" by affixing them to railings in Streetly Road, Erdington, Birmingham without the consent of the City Council or the Secretary of State.

ANIMAL WELFARE

	Name & Address	Date Case Heard	Court	Legislation	Fine /Penalty	Costs	Offence details
1	Sean Witten 82 Baldmoor Lake Road Erdington Birmingham B23 5PU	23/3/16	Birmingham Magistrates Court	The Fouling of Land by Dogs Order 2014	£180	£175 (£858 requested)	Pleaded <u>not guilty</u> to one offence of being in charge of a dog which defecated on a grass verge in Goosemoor Park, Erdington, Birmingham and failing to remove the faeces. Found guilty after trial.
2	Paul Michael Barber 207 Shirley Road Acocks Green Birmingham B27 7NR	31/3/16	Birmingham Magistrates Court	The Dogs on Leads Order 2014 The Clean Neighbourhoods and Environment Act 1995	£220	£337 (£337 requested)	Found guilty in his absence of one offence of being in charge of a dog and failing to ensure that the dog was kept on a lead in Dolphin Lane, Acocks Green, Birmingham.
3	Sarah Gardner 177 Merritts Brook Lane Northfield Birmingham B31 1UH	28/4/16	Birmingham Magistrates Court	The Dogs on Leads Order 2014 and The Clean Neighbourhoods and Environment Act 1995	£100 x 1st offence No separate penalty x 2nd offence	£175 (£325 requested)	Pleaded guilty to two offences of being in charge of a dog and failing to keep it on a lead as it was found roaming loose on Merritts Brook Lane, Northfield and Harvington Road, Weoley Castle, Birmingham.

FOOD HYGIENE OFFENCES

	Name & Address	Date Case Heard	Court	Legislation	Fine /Penalty	Costs	Offence details
1	Sohail General Stores Ltd 278A Stratford Road Birmingham B11 1AA	3/3/16	Birmingham Magistrates Court	Food Safety and Hygiene (England) Regulations 2013	£2,500 x 1 offence No separate penalty x remaining offences	£986 (£986 requested)	Pleaded guilty to four offences relating to the condition of Sohail General Stores, 278A Stratford Road, Birmingham, mouse droppings were found throughout the premises, there was no evidence of procedures being implemented based on HACCP or any staff training.
2	Amjad Saleem 31 St Oswalds Road Small Heath Birmingham B10 9RB	31/3/16	Birmingham Magistrates Court	Food Safety and Hygiene (England) Regulations 2013	Total £720	£1,025 (£1,025 requested)	Pleaded guilty to three offences relating to the condition of 2 Treat U, 1776 Coventry Road, Birmingham, rat droppings were found in the kitchen and storeroom, the premises were not kept clean and there were gaps along the ceiling in the food store room.
3	Casamou Limited 6 Brindley Place Birmingham B1 2JB	31/3/16	Birmingham Magistrates Court	Food Safety and Hygiene (England) Regulations 2013	Total £5,300	£1,830 (£1,830 requested)	Pleaded guilty to nine offences relating to the condition of Edmunds Fine Dining, 6 Brindley Place, Birmingham, mouse droppings were found throughout the premises, there was a gap beneath the rear door to the kitchen, floor surfaces were dirty, the hot hold cupboard was dirty and tubs of pasteurised cream were found past their "use by" date.

	Name & Address	Date Case Heard	Court	Legislation	Fine /Penalty	Costs	Offence details
4	Farej Hussein 44 Heanor Croft Birmingham B6 7NX	1/4/16	Birmingham Crown Court	Food Safety and Hygiene (England) Regulations 2013	16 weeks imprisonment suspended for 12 months	£300 (£2,173 requested)	Pleaded guilty to five offences relating to the condition of Adal Cafe, 135 Stratford Road, Birmingham, there was evidence of rat activity throughout the premises, there were holes and gaps throughout the premises allowing the ingress of rats, no hot running water was provided to the wash hand basins and there was no adequate supply of hot water to the kitchen sinks.
5	Daniel Ferguson 16 Loynells Road Rednal Birmingham B45 9NP	22/04/16	Birmingham Magistrates Court	Food Safety and Hygiene (England) Regulations 2013	£450 x 1st offence No separate penalty x remaining offences	£804 (£804 requested)	Pleaded guilty to six offences of failing to comply with Hygiene Improvement Notices relating to conditions found at Dan's Café, 19 Edgewood Road, Longbridge, Birmingham, no evidence of a procedure based on HACCP could be provided, there were no materials for cleaning or drying hands at the wash hand basin, floor coverings were not easy to clean or disinfect, edges to work surfaces were not sealed, there were missing tiles on the wall behind the sink and the floor covering by the back door was dirty.

	Name & Address	Date Case Heard	Court	Legislation	Fine /Penalty	Costs	Offence details
6	Bashrat Ali 84 Woodwells Road Birmingham B8 2TG	26/04/16	Birmingham Magistrates Court	Food Safety and Hygiene (England) Regulations 2013	£300	£248 (£925 requested)	Pleaded guilty to three offences of displaying food for sale, namely packs of Soul Bake Sweet Potato Pudding, Mango and Pineapple Crumble and Apple Crumble, at Costcutter, 129 Great Hampton Row, Aston, Birmingham which were past their use by dates.

LITTERING OFFENCES

	Name & Address	Date Case Heard	Court	Legislation	Fine /Penalty	Costs	Offence details
1	Shauna Toole 10 Chattock Close Bromford Birmingham B36 8AJ	3/3/16	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement outside Select on New Street, Birmingham.
2	Samantha Williams 40 Waldrons Moor Birmingham B14 6RT	3/3/16	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement outside Bonmarche on Bull Street, Birmingham.
3	Lawrence Matthew Wimlett 432 Portland Road Bearwood B17 8LT	3/3/16	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on Cannon Street, Birmingham.

	Name & Address	Date Case Heard	Court	Legislation	Fine /Penalty	Costs	Offence details
4	Christopher Cleary The White Lion 1 Aldergate Tamworth B79 7DJ	3/3/16	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement outside Pandora on Union Street, Birmingham.
5	Bruno Costa Flat 52 Epsom Court 33 Abdon Avenue Birmingham B29 4PQ	3/3/16	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement outside Superdrug on Union Street, Birmingham.
6	Silvija Eivaite 8 Simons Walk London E15 1QE	3/3/16	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in her absence of one offence of spitting a chewing gum on the pavement outside near lamppost number 2 on Temple Row, Birmingham.
7	Hamla Hussain 209 Douglas Road Acocks Green Birmingham B27 6HL	3/3/16	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement outside 120 Colmore Row on Bull Street, Birmingham.
8	Yvonne Mayor 11 Foley Road Birmingham B8 2JT	3/3/16	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement outside Betfred on Dale End, Birmingham.
9	Kate Mooney 49 Crossfell Tamworth B77 4HQ	3/3/16	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement outside Holiday Inn on Smallbrook Queensway, Birmingham.

	Name & Address	Date Case Heard	Court	Legislation	Fine /Penalty	Costs	Offence details
10	Nicola Wright 46 Vernon Road Birmingham B16 9SH	3/3/16	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement outside HSBC on New Street, Birmingham.
11	Mohammed Haroon 2 Hefford Drive Smethwick B66 1RR	3/3/16	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement outside Odeon on New Street, Birmingham.
12	Lee Radburn 8 Craven Court Church Street Evesham WR11 1FB	3/3/16	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement outside Tesco on New Street, Birmingham.
13	Christopher Neil Armstrong 89 Johnson Road Cannock WS11 4BA	3/3/16	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement outside Briar Rose on Bennetts Hill, Birmingham.
14	Katarzyna Szczublińska 69 Linden Road Smethwick B66 4DZ	3/3/16	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement opposite Lush on New Street, Birmingham.
15	Jack Sargent Flat B 85 Abblewell Street Walsall WS1 2EU	3/3/16	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement outside JD on High Street, Birmingham.

	Name & Address	Date Case Heard	Court	Legislation	Fine /Penalty	Costs	Offence details
16	Lee Smith 74 Crosbie Road Coventry CV5 8FY	3/3/16	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement outside Flight Centre on New Street, Birmingham.
17	Brendon O'Hare 44 Tannery Close Atherstone CV9 1JS	3/3/16	Birmingham Magistrates Court	Environmental Protection Act 1990	£40	£40 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt down the drain on Waterloo Street, Birmingham.
18	Matthew Harry Hemmings 44 Mavis Road Longbridge Birmingham B31 2SD	3/3/16	Birmingham Magistrates Court	Environmental Protection Act 1990	£70	£80 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement on Bennetts Hill, Birmingham.
19	Mark Dodd 32 Admington Road Birmingham B33 0RT	3/3/16	Birmingham Magistrates Court	Environmental Protection Act 1990	£40	£40 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement outside Burger King on Union Street, Birmingham.
20	Joseph Peter Duffy 340Thimblemill Road Smethwick B67 6PU	3/3/16	Birmingham Magistrates Court	Environmental Protection Act 1990	£70	£40 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement outside Bella Italia on New Street, Birmingham.
21	Claire Elizabeth Evans 6 Chestnut Tree Avenue Coventry CV4 9FZ	3/3/16	Birmingham Magistrates Court	Environmental Protection Act 1990	£60	None awarded (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement outside Select on New Street, Birmingham.

	Name & Address	Date Case Heard	Court	Legislation	Fine /Penalty	Costs	Offence details
22	Barrington Gilbert McLarty 212 Lighthorne Avenue Birmingham B16 8EP	3/3/16	Birmingham Magistrates Court	Environmental Protection Act 1990	£40	£40 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement outside Blue Banana on New Street, Birmingham.
23	Rebecca Josephs Flat 1, 55 Weoley Castle Road Birmingham B29 5QD	3/3/16	Birmingham Magistrates Court	Environmental Protection Act 1990	£40	£40 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt onto an electrical box outside Square Peg on Bull Street, Birmingham.
24	Kiran Philora 56 Westbourne Road Halesowen B62 9NF	3/3/16	Birmingham Magistrates Court	Environmental Protection Act 1990	£145	£175 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt onto the pavement outside Waterloo House on Waterloo Street, Birmingham.
25	Anjum Kasmani 42A St Mary's Row Moseley Birmingham B13 8JG	11/3/16	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement outside Pavillions on High Street, Birmingham.
26	Zofia Grams 256 Heath Street Birmingham B18 4DF	11/3/16	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement outside Ladbrokes on Stephenson Street, Birmingham.
27	Samuel Clarke 56 Shenstone Road Birmingham B14 4TJ	11/3/16	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement outside building 43 on Temple Row, Birmingham.

	Name & Address	Date Case Heard	Court	Legislation	Fine /Penalty	Costs	Offence details
28	David Carroll 118B Pine Court Cemetery Road Lye Stourbridge DY9 8AN	11/3/16	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement outside William Hill on Waterloo Street, Birmingham.
29	James Anderson 114 Sylvancroft Preston PR2 7BP	11/3/16	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on a green electrical box on Navigation Street, Birmingham.
30	Helen Ford 1641 Coventry Road Yardley Birmingham B26 1DD	11/3/16	Birmingham Magistrates Court	Environmental Protection Act 1990	£35	£100 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt onto the pavement outside Size on Lower Temple Street, Birmingham.
	Name & Address	Date Case Heard	Court	Legislation	Fine /Penalty	Costs	Offence details
31	Rachel Cullen 47 Apperley Way Halesowen B63 2PN	11/3/16	Birmingham Magistrates Court	Environmental Protection Act 1990	£75	£100 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt onto the pavement outside Debenhams on Smallbrook Queensway, Birmingham.
32	Connor Crampton 11 Lytham Close Doncaster DN4 6UT	11/3/16	Birmingham Magistrates Court	Environmental Protection Act 1990	£120	£100 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt onto the pavement outside the Potato Man Van on Lower Temple Street, Birmingham.
33	Amy Spragg 36 Brace Street Walsall WS1 3PS	11/3/16	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement opposite Primark on New Street, Birmingham.

	Name & Address	Date Case Heard	Court	Legislation	Fine /Penalty	Costs	Offence details
34	Gerry McNamara 48 Brighton Avenue Bolton BL1 5LS	11/3/16	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement outside Thomson on New Street, Birmingham.
35	Argon Korbi 31 Overton Road London E10 7PR	11/3/16	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on Bull Street, Birmingham.
36	Rias Shah 26 Dawberry Road Kings Heath Birmingham B14 6RX	11/3/16	Birmingham Magistrates Court	Environmental Protection Act 1990	£35	£75 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt onto the pavement opposite Vodafone on New Street, Birmingham.
37	Matthew Randell 10 Dowles Croft Droitwich WR9 9LB	11/3/16	Birmingham Magistrates Court	Environmental Protection Act 1990	£105	£100 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt onto the pavement outside Thomson on New Street, Birmingham.
38	Cian O'Donoghue 168 Glyn Eiddew Pentwyn Cardiff CF23 7BS	11/3/16	Birmingham Magistrates Court	Environmental Protection Act 1990	£35	£75 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt onto the pavement outside Oasis on New Street, Birmingham.
39	Leanne Keenan 9 Hook Drive Sutton Coldfield Birmingham B74 4LW	11/3/16	Birmingham Magistrates Court	Environmental Protection Act 1990	6 month Conditional Discharge	None awarded (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt onto the pavement outside The Square Peg on Corporation Street, Birmingham.

	Name & Address	Date Case Heard	Court	Legislation	Fine /Penalty	Costs	Offence details
40	Folau Kioa Flat 428 Finchley Road London NW2 2HY	11/3/16	Birmingham Magistrates Court	Environmental Protection Act 1990	£100	£100 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt onto the pavement outside Moor Street Train Station on Moor Street, Birmingham.
41	Russ Houlton 12 Heathfield Road Halesowen B63 1AD	11/3/16	Birmingham Magistrates Court	Environmental Protection Act 1990	£115	£75 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt onto the pavement outside Starbucks on New Street, Birmingham.
42	Peter Harban 58 Dornie Drive Birmingham B38 9DZ	11/3/16	Birmingham Magistrates Court	Environmental Protection Act 1990	£145	£100 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt onto the pavement outside Jack Willis on New Street, Birmingham.
43	Timothy Wood Flat 17 Martley Croft Quinton Road West Birmingham B32 2QE	17/3/2016	Birmingham Magistrates Court	Environmental Protection Act 1990	£40	£80 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt onto the pavement outside Blacks on High Street, Birmingham.
44	Chenghui Huang 46 Four Wells Drive Sheffield S12 4JB	17/3/2016	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on Lower Temple Street, Birmingham.
45	Conrad Cole 39 Portland Place Bilston WV14 9TB	17/3/2016	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on outside Union Street, Birmingham.
46	Andrew Wilkes 80 Newbolds Road Wolverhampton WV10 0SF	17/3/2016	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on outside Union Street, Birmingham.

	Name & Address	Date Case Heard	Court	Legislation	Fine /Penalty	Costs	Offence details
47	Rebecca Weaver 44 Ellerton Road Kingstanding Birmingham B44 0QE	17/3/2016	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on Colmore Row, Birmingham.
48	Victoria Watkins 71 Trentham Road Coventry CV1 5BE	17/3/2016	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on Bull Street, Birmingham.
49	William Leadbitter 32 Derby Road Worcester WR5 1AE	17/3/2016	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement by Megabus bus stop Hill Street, Birmingham.
50	Hani Lambert 312 Coventry Road Small Heath Birmingham B10 0XE	17/3/2016	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement outside Superdrug on New Street, Birmingham.
51	Waqas Iqbal 65 Armstrong Hurst Close Rochdale OL12 9XB	17/3/2016	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt outside Ladbrokes on Lower Temple Street, Birmingham.
52	Karl Hughes 83 Worcester Street Wolverhampton WV2 4LE	17/3/2016	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt outside Old Guys on New Street, Birmingham.
53	Paul Joseph Cassidy 719 London Road Coventry CV3 4EX	17/3/2016	Birmingham Magistrates Court	Environmental Protection Act 1990	£145	£195 (£195 requested)	Pleaded guilty to one offence of dropping a cigarette butt onto the pavement outside Blacks on High Street, Birmingham.

	Name & Address	Date Case Heard	Court	Legislation	Fine /Penalty	Costs	Offence details
54	Tabetha McMillian 167 Hanging Lane Northfield Birmingham B31 5DL	17/3/2016	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt outside McDonalds on Bristol Road South, Northfield, Birmingham.
55	David James McGovern 2 Nixon Street Failsworth Manchester M35 0FW	17/3/2016	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on Edgbaston Street, Birmingham.
56	Lucy Stephens Flat3 41 Bradford Street Birmingham B5 6HX	17/3/2016	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt outside on the pavement on New Street, Birmingham.
57	Gary Shaw 3 Yew Tree Gardens Rosliston DE12 8JG	17/3/2016	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement outside Cashino on New Street, Birmingham.
58	Daniel Peden 64 Pendeen Road Birmingham B14 4ED	17/3/2016	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement on Bull Street, Birmingham.
59	Claire Payton Flat 1 304 Kings Road Kingstanding Birmingham B44 0UL	17/3/2016	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt outside Poundland on Corporation Street, Birmingham.

	Name & Address	Date Case Heard	Court	Legislation	Fine /Penalty	Costs	Offence details
60	Martin Blatters Flat 2 85 Haringay Road Kingstanding Birmingham B44 0UB	17/3/2016	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt outside Ladbrokes on Lower Temple Street, Birmingham.
61	Baker Ihssan Al Adami 50 Lye Cross Road Tividale B69 1PQ	17/3/2016	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt outside Cotswold on New Street, Birmingham.
62	Christine Murray 19 Warstone Terrace Birmingham B21 9NE	17/3/2016	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement on Bull Street, Birmingham.
63	Jennifer Watson 90 Childs Avenue Woodcross Wolverhampton WV14 9XB	17/3/2016	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement outside Vodafone on New Street, Birmingham.
64	Jason Tyler 448 Bordesley Green Birmingham B9 5NS	17/3/2016	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement near Starbucks on New Street, Birmingham.
65	Dan Trandfir 46 Wittaker Street Wolverhampton WV2 2EB	17/3/2016	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement outside Ask Italian on New Street, Birmingham.

	Name & Address	Date Case Heard	Court	Legislation	Fine /Penalty	Costs	Offence details
66	Rachel Inns 138A Ogle Hay Road Burntwood Staffordshire WS7 2HY	17/3/2016	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement outside Cosy Club on Waterloo Street, Birmingham.
67	Mati Henrc 57 Eva Road Birmingham B18 4NH	17/3/2016	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping and kicking a crunched up paper on the pavement on Lower Temple Street, Birmingham.
68	Marcus Williams Davis 71 Westwood Drive Rednal B45 9WF	17/3/2016	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement outside Eat4less on Corporation Street, Birmingham.
69	Kelly Richmond Flat 245 Cleveland Tower Holloway Head Birmingham B1 1UE	31/3/2016	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in her absence of one offence of dropping two cigarette butts on the pavement outside Jack Wills on Cannon Street, Birmingham.
70	Louise Morris Flat 10 De Montford House Shirall Grove Birmingham B37 6JR	31/3/2016	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement near CEX on Bull Street, Birmingham.
71	Mosneagu Mihal 16 Hurst Street Birmingham B5 4BN	31/3/2016	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement outside Eat4less on Corporation Street, Birmingham.

	Name & Address	Date Case Heard	Court	Legislation	Fine /Penalty	Costs	Offence details
72	Jayne Kirby 16 Berwick Grove Northfield B31 5QJ	31/3/2016	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement outside Boots on Union Street, Birmingham.
73	Andrew Gray 1 Endmoor Grove Erdington Birmingham B23 5DT	31/3/2016	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement outside Popworld on Broad Street, Birmingham.
74	Shane Gardner 25 Goldcrest Croft Smithswood Birmingham B36 0SB	31/3/2016	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement outside Boots on High Street, Birmingham.
75	Tatiana Biktmirova 30 St. Nicholas Road London SE18 1HJ	31/3/2016	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement outside TK Maxx on Smallbrook Queensway, Birmingham.
76	Brigitta Balogh Flat 1 26 Waterside Drive Hockley B18 5RY	31/3/2016	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement outside Sports Direct, Birmingham.
77	Levi Martin Pinder 36 Hamstead Road Hockley Birmingham B19 1DB	31/3/2016	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the road on Waterloo Street, Birmingham.

	Name & Address	Date Case Heard	Court	Legislation	Fine /Penalty	Costs	Offence details
78	Elizabeth O'Neil 600 Aldridge Road Great Barr Birmingham B44 8NG	31/3/2016	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement outside Eat4less on Corporation Street, Birmingham.
79	Victoria Mowatt 347 Wakefield Road Denby Dale Huddersfield HD8 8RT	31/3/2016	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement outside Tesco on New Street, Birmingham.
80	Shirley Ann Smythe 18 Waldrons Moor Birmingham B14 6RS	31/3/2016	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement outside Amantia on Bennetts Hill, Birmingham.
81	Joanne Higgs 74 Guild Close Ladywood Birmingham B16 8DX	31/3/2016	Birmingham Magistrates Court	Environmental Protection Act 1990	£40	£175 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt onto the pavement outside Blacks on High Street, Birmingham.
82	Sarah McCormack 699 College Road Birmingham B44 6AS	31/3/2016	Birmingham Magistrates Court	Environmental Protection Act 1990	£93	£175 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt onto the pavement outside Ming Moon on Hurst Street, Birmingham.
83	Stephanie Hill 9 Ingot Close Walsall WS2 7DD	31/3/2016	Birmingham Magistrates Court	Environmental Protection Act 1990	£40	£175 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt onto the pavement outside New Look on Corporation Street, Birmingham.

	Name & Address	Date Case Heard	Court	Legislation	Fine /Penalty	Costs	Offence details
84	Kyle McCormack 699 College Road Birmingham B44 0AS	31/3/2016	Birmingham Magistrates Court	Environmental Protection Act 1990	£80	£175 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt onto the pavement outside Ming Moon on Hurst Street, Birmingham.
85	Cheryl Morrall 58 Farnborough Road Castle Vale Birmingham B35 7JE	31/3/2016	Birmingham Magistrates Court	Environmental Protection Act 1990	£80	£175 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt onto the pavement opposite Ibis on Ladywell Walk, Birmingham.
86	Roxanne Richmond 45 Driars Close Coventry CV2 5JR	31/3/2016	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt onto the pavement outside Primark on New Street, Birmingham.
87	Alex Keefe 21 Arnett Avenue Wokingham RG40 4EG	8/4/16	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement opposite HSBC on New Street, Birmingham.
88	Adam John Hill 27 Elgar Way Eastbourne BN23 7TS	8/4/16	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement outside Meal Deal on New Street, Birmingham.
89	Faith Duffy 1 Lydget Grove Birmingham B23 5EH	8/4/16	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement outside Jeans Workshop on New Street, Birmingham.

	Name & Address	Date Case Heard	Court	Legislation	Fine /Penalty	Costs	Offence details
89	Robert Edward Dix 79 Haughton Green Road Denton Manchester M34 7GR	8/4/16	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement Edgbaston Street, Birmingham.
90	Shelley Roberts 3 Mayville Close Pershore Worcestershire WR10 3EU	8/4/16	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement on Old Square, Birmingham.
91	James MCIlkenny 161 Albret Road Aston Birmingham B6 5ND	8/4/16	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement on New Street, Birmingham.
92	Lee Stewart 2 Picton Croft Chelmsley Wood B37 7TH	8/4/16	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement outside Odeon Cinema on New Street, Birmingham.
93	Daniela Stan Flat 2 476 Dudley Road Birmingham B18 4HF	8/4/16	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement outside Barclays on High Street, Birmingham.

	Name & Address	Date Case Heard	Court	Legislation	Fine /Penalty	Costs	Offence details
94	Michael Smith 17 Stimpson Avenue Northampton NN1 4LP	8/4/16	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement outside Superdrug on New Street, Birmingham.
95	Zack Washington-Thomas 41 High Street Bewdley DY12 2DJ	8/4/16	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement on New Street, Birmingham.
96	Benjamin Collins 7 Ferndale Road Tottenham London N15 6UF	8/4/16	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement opposite Thomson on New Street, Birmingham.
97	Adrian Birita 27 Spoon Drive Birmingham B38 8XD	8/4/16	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement near Primark on New Street, Birmingham.
98	Massimo Muriana 12 Grosvenor Street West Birmingham B16 8HN	8/4/16	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement opposite Pret in New Street, Birmingham.

	Name & Address	Date Case Heard	Court	Legislation	Fine /Penalty	Costs	Offence details
99	Mohammed Mbye 72 Humphrey Middlemore Drive Birmingham B17 0JN	8/4/16	Birmingham Magistrates Court	Environmental Protection Act 1990	£80	None awarded (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement in Hill Street, Birmingham.
100	Robert Plank 18 Brackenwood Drive Wolverhampton WV11 3TA	8/4/16	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£375 (£375 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement near lamp post number 3 in Navigation Street, Birmingham. Originally listed for trial.
101	Mohammed Inam Lone Room 008A Unite Building 1 International Way Stratford London E20 1GS	14/4/16	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement outside HSBC in New Street, Birmingham.
102	Marija Marcinkeviciute Flat 6 Darley House Wallace Close Oldbury B69 1HS	14/4/16	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement outside Waterstones in High Street, Birmingham.

	Name & Address	Date Case Heard	Court	Legislation	Fine /Penalty	Costs	Offence details
103	Asha Rawcliffe 9 Westfield Road Newport South Wales NP20 4ND	14/4/16	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement near Meal Deal in New Street, Birmingham.
104	Matthew Tinley 11 Dunstone Hollinswood Telford TF3 2EA	14/4/16	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement outside Primark in New Street, Birmingham.
105	Dean Waller 62 Dimmingsdale Bank Quinton Birmingham B32 1ST	14/4/16	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement outside Primark in New Street, Birmingham.
106	Tara Larman 133 York Street Nuneaton CV11 5PS	14/4/16	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement outside Superdrug in Corporation Street, Birmingham.
107	Jason Hilarczynski 50 Herrick Road Birmingham B8 1NT	14/4/16	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement outside Select in New Street, Birmingham.

	Name & Address	Date Case Heard	Court	Legislation	Fine /Penalty	Costs	Offence details
108	Jamie Firkins 120 Springthorpe Road Birmingham B24 0SP	14/4/16	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement outside Clintons in New Street, Birmingham.
109	Alexandra Davis 26 Bickington Road Birmingham B32 3EY	14/4/16	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement outside Jack Wills in New Street, Birmingham.
110	Baldeep Badesha 3 Warick Gardens Tividale B69 3JB	14/4/16	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement near Starbucks in New Street, Birmingham.
111	Aleksandrs Roznovs 597 Folleshill Road Coventry CV6 5JR	14/4/16	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement outside Jeans Workshop in New Street, Birmingham.
112	Sophie Osborne Flat 100 Canterbury Tower 1 St Marks Str Birmingham B1 2UL	14/4/16	Birmingham Magistrates Court	Environmental Protection Act 1990	£40	£60 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement outside H&M n High Street, Birmingham.

	Name & Address	Date Case Heard	Court	Legislation	Fine /Penalty	Costs	Offence details
113	Stefan Burgess 29 Marlcroft Road Coventry CV3 3FR	14/4/16	Birmingham Magistrates Court	Environmental Protection Act 1990	Absolute discharge	None awarded (£175 requested)	Pleaded guilty to one offence of dropping a plastic milk carton on the pavement outside Gadget Shop in Corporation Street, Birmingham.
114	Andriei Simion 23 Ribblesdale Tamworth B77 4LQ	14/4/16	Birmingham Magistrates Court	Environmental Protection Act 1990	£150	£60 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement outside H&M in High Street, Birmingham.
115	Chantel Jarvis 73 Chipstead Road Birmingham B23 5HD	14/4/16	Birmingham Magistrates Court	Environmental Protection Act 1990	£50	£60 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement near Burton in New Street, Birmingham.
116	Abigail Collett 16 Warsash Close Wolverhampton WV1 2UD	14/4/16	Birmingham Magistrates Court	Environmental Protection Act 1990	£45	£50 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement outside the McLaren Building in Priory Queensway, Birmingham.
117	Megan Gooding 31 Queen Elizabeth Road Birmingham B45 0NE	14/4/16	Birmingham Magistrates Court	Environmental Protection Act 1990	£40	£60 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement outside Ryman in Temple Street, Birmingham.
118	Ziarab Hussain 54 Ralph Road Birmingham B8 1NB	14/4/16	Birmingham Magistrates Court	Environmental Protection Act 1990	£40	£60 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement outside Burger King in High Street, Birmingham.

	Name & Address	Date Case Heard	Court	Legislation	Fine /Penalty	Costs	Offence details
119	Dura Florin 88 Victoria Road Birmingham B21 0SL	14/4/16	Birmingham Magistrates Court	Environmental Protection Act 1990	£330	£175 (£175 requested)	Found guilty in his absence of one offence of dropping ripped up pieces of paper, namely a fixed penalty notice issued to him, outside 88 Victoria Road, Birmingham.
120	Luke Taylor 49 Morrison Road Tipton DY4 7PU	22/4/16	Birmingham Magistrates Court	Environmental Protection Act 1990	£60	£20 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement outside Thomson in New Street, Birmingham.
121	Pauline Reeves 156 Dovedale Road Erdington Birmingham B23 5BP	22/4/16	Birmingham Magistrates Court	Environmental Protection Act 1990	£40	£20 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement outside Job Centre in New Sutton Road, Birmingham.
122	Fouaad Ali Flat 1 9 Woodhurst Road Birmingham B13 9AY	22/4/16	Birmingham Magistrates Court	Environmental Protection Act 1990	£80	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement outside Primark in New Street, Birmingham.
123	Dare Babayemi 54 Doulton Drive Smethwick B66 1RA	22/4/16	Birmingham Magistrates Court	Environmental Protection Act 1990	£80	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement outside Tesco in New Street, Birmingham.

	Name & Address	Date Case Heard	Court	Legislation	Fine /Penalty	Costs	Offence details
124	Jasmine Bennett 37 Baxters Road Shirley Solihull B90 2RS	22/4/16	Birmingham Magistrates Court	Environmental Protection Act 1990	£80	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement outside Meal Deal in New Street, Birmingham.
125	Charlotte Bright 52 Rawlings Road Smethwick B67 5AA	22/4/16	Birmingham Magistrates Court	Environmental Protection Act 1990	£80	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement near HSBC in New Street, Birmingham.
126	Christopher Cornes 4 Mapleton Road Birmingham B28 9RA	22/4/16	Birmingham Magistrates Court	Environmental Protection Act 1990	£80	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement outside Pret in New Street, Birmingham.
127	Charlie Curtis-Blake 94 Exeter Drive Marston Green West Midlands B37 6NQ	22/4/16	Birmingham Magistrates Court	Environmental Protection Act 1990	£80	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement outside Pizza Hut in New Street, Birmingham.
128	David Gordon 39 Oscott Road Perry Barr Birmingham B4 2 2TA	22/4/16	Birmingham Magistrates Court	Environmental Protection Act 1990	£80	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement outside Blush in New Street, Birmingham.

	Name & Address	Date Case Heard	Court	Legislation	Fine /Penalty	Costs	Offence details
129	Antonio Vinagie 7 Harbury Road Birmingham B12 9NG	22/4/16	Birmingham Magistrates Court	Environmental Protection Act 1990	£80	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement outside Caxton House in Fore Street, Birmingham.
130	Donna Whelan 18 Norton Close Cape Hill Smethwick B66 3JA	22/4/16	Birmingham Magistrates Court	Environmental Protection Act 1990	£80	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement outside BHS in New Street, Birmingham.
131	Samera Akram Waseem 304 Garretts Green Lane Sheldon Birmingham B33 0TS	22/4/16	Birmingham Magistrates Court	Environmental Protection Act 1990	£80	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement outside Specsavers in New Street, Birmingham.
132	Michael Young 64 Guild Close Birmingham B16 8DX	22/4/16	Birmingham Magistrates Court	Environmental Protection Act 1990	£80	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement near lamp post number 16 in Colmore Row, Birmingham.
133	Saeed Kudran Alharthy 50 Whitefriars Street Coventry CV1 2DS	22/4/16	Birmingham Magistrates Court	Environmental Protection Act 1990	£80	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement outside Moss Bros in New Street, Birmingham.

	Name & Address	Date Case Heard	Court	Legislation	Fine /Penalty	Costs	Offence details
134	Abdus Sami 87 Winifred Street Stoke on Trent ST1 5DN	22/4/16	Birmingham Magistrates Court	Environmental Protection Act 1990	£80	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement outside Nest Street train station in Stephenson Street, Birmingham.
135	Nicholas Greenham 17 Ruscombe Gardens Datchet Slough SL3 9BG	22/4/16	Birmingham Magistrates Court	Environmental Protection Act 1990	£80	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement outside Cotswold in New Street, Birmingham.
136	Samantha Holloway 2 Court Crescent Kingswinford Dudley DY6 9RL	22/4/16	Birmingham Magistrates Court	Environmental Protection Act 1990	£80	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement outside HSBC in New Street, Birmingham.
137	Chanelle McPhee 12 Doddington Grove Birmingham B32 4EL	22/4/16	Birmingham Magistrates Court	Environmental Protection Act 1990	£80	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement outside Hurst Street News in New Street, Birmingham.
138	Marie McGowen 6 Penn Grove Birmingham B29 5SP	28/4/16	Birmingham Magistrates Court	Environmental Protection Act 1990	£80	£175 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement near Primark in New Street, Birmingham.

	Name & Address	Date Case Heard	Court	Legislation	Fine /Penalty	Costs	Offence details
139	Alexander Dunn 26 Barwell Road Birmingham B9 4LB	28/4/16	Birmingham Magistrates Court	Environmental Protection Act 1990	£85	£175 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement outside Tesco in New Street, Birmingham.
140	Adam Khan 317 Charles Road Bordesley Green Birmingham B10 9AR	28/4/16	Birmingham Magistrates Court	Environmental Protection Act 1990	£85	£175 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement outside Specsavers in New Street, Birmingham.
141	Andrew Wall 26A Florence Road Sutton Coldfield Birmingham B73 5NG	28/4/16	Birmingham Magistrates Court	Environmental Protection Act 1990	£400	£175 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement outside Oasis in New Street, Birmingham.
142	Louise Bent 24 Plants Grove Birmingham B24 0HP	28/4/16	Birmingham Magistrates Court	Environmental Protection Act 1990	£440	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement outside building number 33 in Bull Street, Birmingham.

	Name & Address	Date Case Heard	Court	Legislation	Fine /Penalty	Costs	Offence details
143	Taya Wright Flat 35 John Austin Court 45 Sutherland Street Birmingham B6 7PT	28/4/16	Birmingham Magistrates Court	Environmental Protection Act 1990	£440	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement outside Tesco in New Street, Birmingham.
144	Cynthia Morton 5 Ulwine Drive Northfield Birmingham B31 1PF	28/4/16	Birmingham Magistrates Court	Environmental Protection Act 1990	£440	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement outside EE in New Street, Birmingham.
145	Adam Newton 154 Lakey Lane Hall Green Birmingham B28 9QL	28/4/16	Birmingham Magistrates Court	Environmental Protection Act 1990	£440	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement outside San Carlo in Temple Street, Birmingham.
146	Leandra Caprice 47B Warlock Road London W9 3LW	28/4/16	Birmingham Magistrates Court	Environmental Protection Act 1990	£440	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement outside New Street train station in Stephenson Street, Birmingham.
147	Ruby Rose James Flat 6 10 Hollybush Grove Quinton Birmingham B32 2AB	28/4/16	Birmingham Magistrates Court	Environmental Protection Act 1990	£440	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement outside Vodafone in Corporation Street, Birmingham.

	Name & Address	Date Case Heard	Court	Legislation	Fine /Penalty	Costs	Offence details
148	Sophie Cortney 5 Hidings Court Lane Morecombe LA4 4QJ	28/4/16	Birmingham Magistrates Court	Environmental Protection Act 1990	£440	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement outside Primark in New Street, Birmingham.
149	Stephanie Louise Leigh 42 Doddington Grove Birmingham B32 4EL	28/4/16	Birmingham Magistrates Court	Environmental Protection Act 1990	£440	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement outside building number 67 in Sutton New Road, Erdington, Birmingham.
150	Leon Reynolds 5 Windyridge Road Sutton Coldfield B76 1HA	28/4/16	Birmingham Magistrates Court	Environmental Protection Act 1990	£440	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement near Nathan & Co. on Lower Temple Street, Birmingham.
151	Matthew James Smith 96 Church Street Walsall WS3 3HF	28/4/16	Birmingham Magistrates Court	Environmental Protection Act 1990	£440	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement outside Lloyds Bank in New Street, Birmingham.
152	Kelly Taylor 1 Shaw Road Bilston Wolverhampton WV14 9PU	28/4/16	Birmingham Magistrates Court	Environmental Protection Act 1990	£440	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement outside The Works in New Street, Birmingham.

	Name & Address	Date Case Heard	Court	Legislation	Fine /Penalty	Costs	Offence details
153	Rebecca Adam 27 Dutton Green Shrewsbury SY1 3LY	28/4/16	Birmingham Magistrates Court	Environmental Protection Act 1990	£440	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement outside Thomson in Lower Temple Street, Birmingham.

ENVIRONMENTAL HEALTH SIMPLE CAUTIONS

During March 2016 one simple caution was administered.

Food Safety and Hygiene (England) Regulations 2013

One caution was issued for failing to comply with food hygiene regulations.

TRADING STANDARDS

APPENDIX 3

	Name & Address	Date Case Heard	Court	Legislation	Fine /Penalty	Costs	Offence details
1	Arif Nasir 17 Warwick Road Sparkhill Birmingham B11 4RA	17/3/16	Birmingham Crown Court	Trade Marks Act 1994	4 month imprisonment suspended for 12 months (concurrent in respect of all 10 counts)	POCA timetable set Costs and forfeiture to be postponed pending the outcome of the confiscation proceedings	Pleaded guilty to 10 offences: 1 relating to the sale of BMW goods, namely Racing Style Seat Belt Covers, without the consent of the trade mark proprietor and 9 offences relating to the possession for supply of car accessories from 17 Warwick Road, Sparkhill, Birmingham, including seat belt covers, wheel covers, key rings, badges, USB sticks and valve caps, which bore registered trademarks, namely BMW, Jaguar, Mercedes, Peugeot, Land Rover and Mini, without the consent of the trade mark proprietors.
2	Newemoo Ltd 12 Moss House Close Birmingham B15 1HE Yi Li 12 Moss House Close Birmingham B15 1HE	17/3/16	Birmingham Magistrates Court	General Product Safety Regs 2005	Company Fined £2,250 (£750 x 3) Director Fined £2,250 (£750 x 3)	No costs awarded against company £5,717 (to be paid by Director) (£5,717 requested)	Each defendant pleaded guilty to 3 offences of acting as a distributor at 2-4 Benacre Drive, Birmingham and possessing for supply AC/DC Adaptors which the defendants knew, or should have presumed on the basis of the information in their possession as a professional, were dangerous. An order was made for the forfeiture and destruction of all 212 items seized.

	Name & Address	Date Case Heard	Court	Legislation	Fine/Penalty	Costs	Offence details
1	Christopher Abbotts 61 Howard Road Great Barr Birmingham B43 5DT	11/4/16	Birmingham Crown Court	Fraud Act 2006	32 weeks imprisonment suspended for 2 years + 180 hours unpaid work	£1,500 (£25,000 requested) Compensation of £500 to be paid to complainant	Pleaded guilty to six offences of making fraudulent representations to entice consumers to have work carried out and to elicit money from them, work was not completed within the quoted time frames or the price stated, and any work that was undertaken was unsatisfactory and of a poor standard
2	Shwan Mohammed 116 Kenrick House Green Street West Bromwich B70 6DN	19/4/16	Birmingham Crown Court	Trade Marks Act 1994 Tobacco Products (Manufacture and Sale) (Safety) Regulations 2002 General Product Safety Regulations 2005	TOTAL £1,750 (£250 x each counterfeit cigarette offence £500 x labelling offence £750 x lighter safety offence)	POCA timetable set	Pleaded <u>not guilty</u> to four offences: two relating to the possession for supply of a pouch of hand rolling tobacco which bore the registered trade mark Golden Virginia and four packets of cigarettes which bore the registered trade mark Mayfair, at Sana International Mini Market, 291-293 Dudley Road, Birmingham, without the consent of the trade mark proprietors, one of possessing 43 packets of cigarettes for supply, consisting of various brands including Kent, Marlboro, Benson & Hedges and Dunhill, which did not visibly display the required warning on the surface of the packets and one offence of possessing 50 cigarette lighters which were dangerous products in that the items

							<p>contained floating dice which would make them appealing to children.</p> <p>Found guilty after trial.</p>
3	<p>Amy Williams 1 Farrier Close Walmley Sutton Coldfield B76 1GW</p> <p>Glen Austin 7 Wesley Road Erdington Birmingham B23 6TX</p>	22/4/16	Birmingham Crown Court	<p>Fraud Act 2006 Theft Act 1968</p> <p>Theft Act 1968</p>	<p>Williams – Total sentence 4 ½ years' imprisonment</p> <p>(2 years imprisonment for Fraud Act offences and 30 months imprisonment for Theft Act offence)</p> <p>Austin – 30 months imprisonment</p>	POCA timetable set	<p>Williams pleaded guilty to 23 offences of acting in her capacity as an authorised representative of Williams and Young Limited, a letting agent based at 7a High Street, Sutton Coldfield, engaged in practices involving the collection of rent from tenants which had been kept and not passed onto the respective landlords. Deposits, agency fees and advance rents paid by tenants on the basis of a promised tenancy agreement had been kept without the agreement materialising.</p> <p>Both Williams and Austin pleaded guilty to a further joint charge of stealing credit balances totalling not less than £400,000 from Williams and Young Limited.</p>

During March and April 2016 no simple cautions were administered.

APPENDIX 4.1

CASES FINALISED BY DISTRICT (PLACE OF OFFENCE) – MARCH 2016

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	0	0	0	0	2	0	0	0	0	1	0	3
Environmental Health (FPNs) Not paid and prosecuted	0	0	0	0	85	1	0	0	0	0	0	86
Environmental Health (non FPNs)	0	1	1	1	2	0	1	0	0	2	0	8
Trading Standards	0	0	1	0	1	0	0	0	0	0	0	2

CASES FINALISED BY DISTRICT (DEFENDANT'S HOME ADDRESS/REGISTERED OFFICE) – MARCH 2016

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	0	0	0	1	0	0	0	0	0	1	1	3
Environmental Health (FPNs) Not paid and prosecuted	3	7	1	3	9	6	3	5	1	3	45	86
Environmental Health (non FPNs)	0	1	1	2	1	0	2	0	0	1	0	8
Trading Standards	0	0	1	0	1	0	0	0	0	0	0	2

APPENDIX 4.2

CASES FINALISED BY DISTRICT (PLACE OF OFFENCE) – APRIL 2015 - MARCH 2016

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	4	2	3	0	32	0	0	1	1	1	1	45
Environmental Health (FPNs) Not paid and prosecuted	2	2	2	0	589	2	0	0	1	0	0	598
Environmental Health (non FPNs)	3	9	12	12	33	3	7	8	2	9	0	98
Trading Standards	0	1	3	7	7	0	1	1	0	2	2	24

CASES FINALISED BY DISTRICT (DEFENDANT'S HOME ADDRESS/REGISTERED OFFICE) – APRIL 2015 - MARCH 2016

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	2	3	6	12	6	1	2	1	0	2	10	45
Environmental Health (FPNs) Not paid and prosecuted	28	37	28	33	64	26	29	24	10	28	291	598
Environmental Health (non FPNs)	4	5	10	14	19	2	8	6	1	9	20	98
Trading Standards	0	1	3	7	7	1	1	0	1	3	0	24

APPENDIX 4.3

CASES FINALISED BY DISTRICT (PLACE OF OFFENCE) – APRIL 2016

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	1	0	0	0	0	0	0	0	0	0	0	1
Environmental Health (FPNs) Not paid and prosecuted	0	2	0	0	65	0	0	0	0	0	0	67
Environmental Health (non FPNs)	0	1	2	1	2	2	1	1	0	0	0	10
Trading Standards	0	0	0	0	2	0	0	0	1	0	0	3

CASES FINALISED BY DISTRICT (DEFENDANT'S HOME ADDRESS/REGISTERED OFFICE) – APRIL 2016

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	0	0	0	1	0	0	0	0	0	0	0	1
Environmental Health (FPNs) Not paid and prosecuted	7	5	4	3	7	3	1	0	2	1	34	67
Environmental Health (non FPNs)	0	0	1	3	2	2	0	1	0	0	1	10
Trading Standards	0	0	0	0		0	0	0	1	0	2	3

APPENDIX 5.1

WASTE ENFORCEMENT UNIT – ENFORCEMENT ACTIVITY **APRIL 2015 - MARCH 2016**

	Apr-15	May-15	Jun-15	Jul-15	Aug-15	Sep-15	Oct-15	Nov-15	Dec-15	Jan-16	Feb-16	Mar-16	Total 2015-2016
Waste Investigation Outcomes													
Investigations into commercial waste disposal suspected offences and offences	57	32	44	123	13	27	40	33	11	22	24	10	436
<u>Section 34 Environmental Protection Act</u> demand notices issued: (trade waste statutory information demands)	40	25	30	95	23	18	22	19	10	13	19	11	325
<u>Section 34 Environmental Protection Act</u> fixed penalty notices issued to businesses (£300)	2	2	4	6	6	5	1	5	6	3	9	3	52
<u>Section 87 Environmental Protection Act</u> . Fixed Penalty notices issued for commercial and residential litter offences (£80)	26	15	15	11	15	16	14	4	9	2	5	8	140
Prosecutions													
Total prosecutions submitted to legal services since incorporation of WEU													134

WASTE ENFORCEMENT UNIT – ENFORCEMENT ACTIVITY
APRIL 2016 - MARCH 2017

	Apr 2016	May 2016	June 2016	July 2016	Aug 2016	Sept 2016	Oct 2016	Nov 2016	Dec 2016	Jan 2017	Feb 2017	Mar 2017	Totals
Waste Investigation Outcomes													
Investigations into commercial waste disposal suspected offences and offences	22												22
<u>Section 34 Environmental Protection Act</u> demand notices issued: (trade waste statutory information demands)	14												14
<u>Section 34 Environmental Protection Act</u> fixed penalty notices issued to businesses (£300)	1												1
<u>Section 87 Environmental Protection Act</u> . Fixed Penalty notices issued for commercial and residential litter offences (£80)	7												7
Prosecutions													
Total prosecutions submitted to legal services since incorporation of WEU													134

BIRMINGHAM CITY COUNCIL

**REPORT OF THE ACTING DIRECTOR OF REGULATION AND ENFORCEMENT
TO THE LICENSING AND PUBLIC PROTECTION COMMITTEE**

13 JULY 2016
ALL WARDS

OUTCOME OF APPEALS AGAINST SUB COMMITTEE DECISIONS
MARCH, APRIL AND MAY 2016

1. Summary

- 1.1 This report advises the Committee of the outcomes of appeals against the Sub Committee's decisions which are made to the Magistrates' Court, and any subsequent appeals made to the Crown Court, and finalised in the period mentioned above.

2. Recommendation

- 2.1 That the report be noted.

Contact Officer: Chris Neville, Head of Licensing
Telephone: 0121 303 6920
E-mail: chris.Neville@birmingham.gov.uk

3. Summary of Appeal Hearings for March and April 2016

	Magistrates'	Crown
Total	6	7
Allowed	1	2 (1 to Birmingham City Council)
Dismissed	8	1
Appeal lodged at Crown		n/a
Upheld in part		1
Withdrawn pre-Court	1	3

4. Implications for Resources

- 4.1 The details of costs requested and ordered in each case are set out in the appendix below.
- 4.2 In March 2016 costs have been requested to the sum of £2574.25 with reimbursement of £1746.25 (67.8%) ordered by the Courts.
- 4.3 For the fiscal year April 2015 to March 2016, costs associated to appeal hearings have been requested to the sum of £34,042.73 with reimbursement of £30,614.73 (89.9%) ordered by the Courts.
- 4.4 In April 2016 costs have been requested to the sum of £1,162 with reimbursement of £700 (60%) ordered by the Courts.
- 4.5 In April 2016 costs of £750 have been requested against Birmingham City Council with reimbursement of £0 ordered by the Courts.
- 4.6 In May 2016 costs have been requested to the sum of £6,465.60 with reimbursement of £6,465.60 (100%) ordered by the Courts.
- 4.7 For the fiscal year thus far, April 2016 to May 2016, costs associated to appeal hearings have been requested to the sum of £7,627.60 with reimbursement of £7,165.60 (93.9%) ordered by the Courts.

5. Implications for Policy Priorities

- 5.1 The contents of this report contribute to the priority action of providing an efficient and effective Licensing service to ensure the comfort and safety of those using licensed premises and vehicles.

6. Public Sector Equality Duty

- 6.1 The actions identified in this report were taken in accordance with the Enforcement Policy of the Regulation and Enforcement Division, which ensures that equality issues have been addressed.

7. Consultation

- 7.1 The Enforcement Policy that underpins the work identified in this report is approved by your Committee. The policy reflects the views of the public and the business community in terms of the regulatory duties of the Council. Any enforcement action taken as a result of the contents of this report is subject to that Enforcement Policy.

ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: Prosecution files and computer records in Legal Proceedings team.

MAGISTRATES' COURT – PRIVATE HIRE DRIVER'S LICENCE

	Name	Date Case Heard	Result	Costs Requested	Costs Ordered	Comments
1	Amar Yaqoob	08.03.2016	Dismissed	£250	£150	On 19 January 2016, as the result of conviction for a sexual-related offence, Committee considered and in line with relevant policy resolved to refuse a licence.
2	Makhan Singh	09.03.2016	Dismissed	£906.25	£906.25	On 12 October 2015, as the result of receipt of two separate complaints regarding the appellant's behaviour, Committee considered and resolved to revoke the licence.
3	Mohammed Ghauri	06.04.2016	Allowed	£750 (contra BCC)	0	On 27 October 2015, as the result of conviction for an offence of violence, Committee considered and resolved to revoke the licence. The Magistrates allowed the appeal in full. In giving their decision they said that Mr Ghauri had been licensed as a private hire driver since 2005 and other than the offence considered by the Sub Committee there had been no other complaints and he had an excellent driving history. The domestic incident for which he had been convicted was not in any way connected to his work. They considered that too much weight had been given to the restraining order as such orders are made as a matter of course in domestic cases. They considered that the decision was disproportionate and that Mr Ghauri is a fit and proper person in light of his lack of previous convictions save for the one considered by Committee.
4	Mohammed Nurul Islam	15.04.2016	Dismissed	£300	£300	On 19 January 2016, as the result of conviction for plying for hire and using a vehicle while uninsured, Committee considered and in line with relevant policy resolved to revoke the licence.
5	Paul Grindrod	23.05.2016	Dismissed	£350	£350	On 19 January 2016, as the result of conviction for offences of plying for hire and using a vehicle while uninsured, Committee considered and in line with relevant policy revoked the licence.

MAGISTRATES' COURT – HACKNEY CARRIAGE DRIVER'S LICENCE

	Name	Date Case Heard	Result	Costs Requested	Costs Ordered	Comments
1	Habib Ur Rehman	14.03.2016	Dismissed	£540	£540	On 27 July 2015, as the result of having been the driver of a vehicle that was involved in two separate accidents, which resulted in injuries sustained by a total of 12 fare-paying passengers, the licence was revoked with immediate effect on grounds of public safety. On each occasion the driver was described by passengers as "falling asleep at the wheel".
2	Mahmood Ali	04.04.2016	Dismissed	£412	£200	On 8 December 2015, as the result of conviction for an offence of fraud by false representation, and numerous motoring offences, which had led to the appellant's hackney carriage driver's licence being revoked in May 2014, Committee considered and resolved to refuse a licence. The appellant had nominated his son as the driver after activating a speed camera; the son accepted the penalty. The matter was heard before District Judge Zara, who considered the Committee's decision to be not outside the range of what is reasonable.

MAGISTRATES' COURT – LICENSING ACT 2003

	Name	Date Case Heard	Result	Costs Requested	Costs Ordered	Comments
1	I-Bar Sutton Ltd t/a I-Bar, 48 The Parade, Sutton Coldfield	n/a	Abandoned pre-Court			On 23 February 2016, following a request from West Midlands Police for a review of the premises licence, made as the result of various incidents of crime and disorder which emanated from the premises and the significant and sustained failings by management in seeking to address these matters to the satisfaction of West Midlands Police, Committee considered and resolved to suspend the premises licence for a period of one month, with the imposition of further conditions. The appellant failed to respond to Directions sent so there was no indication the appellant was pursuing the appeal and the premises were no longer trading; the appeal was therefore deemed abandoned.
2	Festus Williams, Cole Valley News, 183 Cole Valley Road, Hall Green	06.05.2016	Dismissed	£2793.60	£2793.60	On 14 December 2015, following a request from Trading Standards for a review of the premises licence, made as the result of bottles of illicit vodka found being offered for sale, together with the unco-operative manner of the licensee and a disregard of the importance of complying with the conditions of his licence, Committee considered and resolved to revoke the premises licence.
3	Mrs Mandip Kaur Khela, Valley Supermarket, 16-22 Illeybrook Square, Bartley Green	25.05.2016	Dismissed	£2962	£2962	On 6 January 2016, following a request from West Midlands Police for a review of the premises licence, made as the result of large quantities of illicit tobacco products being found on the premises, Committee considered and resolved to revoke the premises licence.

CROWN COURT – PRIVATE HIRE DRIVER’S LICENCE

	Name	Date Case Heard	Result	Costs Requested	Costs Ordered	Comments
1	Birmingham City Council v Jamshed Miah	11.03.2016	Allowed to Birmingham City Council	£878.00	£50.00	On 22 September 2015 information was received from West Midlands Police, which warranted immediate suspension of the licence on grounds of public safety. On 13 November 2015 the appeal to the Magistrates was allowed because Mr Miah “had not been given the opportunity to explain the allegation” before being suspended. The appeal by Birmingham City Council to Crown Court was allowed and the original suspension on grounds of public safety stands until further notice.
2	Majid-Ur Rehman	18.03.2016	Withdrawn		£100	On 14 September 2015, as the result of having committed motoring offences within a period of 13 months that resulted in his driving licence being endorsed with a total of 12 points, Committee considered and resolved to suspend the licence for a period of six months. On 20 November 2015 the appeal to the Magistrates was dismissed with costs of £150 being ordered.
3	Mohammed Miah	29.04.2016	Allowed		0 (contra BCC)	On 27 October 2015, as the result of conviction for benefit fraud and failure to report the conviction for over a year, Committee considered and resolved to refuse the renewal of the licence. The appeal to the Magistrates’ Court was dismissed on 18 January 2016 with costs of £250 requested and ordered against the appellant. The Crown Court considered the decision not to renew Mr Miah’s licence as a consequence of his benefits conviction was wrong. It was plainly a factor they were right to consider, but the Court considered it was outweighed by the appellant’s good driving history, good history as a driver, and the facts of the conviction itself, which was not a dishonesty offence but as the result of an inheritance and failure to act. Thus they allowed the appeal. The Judge went out of his way to say this was a specific case decision and that each case turned on its facts, and just because this appeal was successful it did not mean the next would be. A costs application was made by the appellant but refused.

	Name	Date Case Heard	Result	Costs Requested	Costs Ordered	Comments
4	Mohammed Jahanshahi	29.04.2016	Dismissed	£450	£200	On 11 November 2015, as the result of a recent conviction for an offence of violence, Committee considered and resolved to refuse the grant of a licence. The appeal to the Magistrates' Court was dismissed on 8 February 2016 with costs of £250 requested and ordered against the appellant. The Crown Court heard evidence from the Appellant. He changed his story again and gave a different account about the common assault. He was not convincing in evidence and the Bench and the Judge had no hesitation in dismissing his appeal.
5	Ghazanfar Ali	n/a	Abandoned pre-Court 13.05.2016	£210	£210	On 14 September 2015, as the result of complaints received that Mr Ali had been working in the Birmingham area whilst licensed by Milton Keynes, Committee considered and resolved to refuse the grant of a licence. The appeal to the Magistrates' Court was dismissed on 12 November 2015 with costs of £350 being requested but only £100 awarded.
6	Shujaat Hussain	n/a	Abandoned 27.05.2016	£150	£150	On 23 November 2015, as the result of conviction for offences of plying for hire and using a vehicle while uninsured, Committee considered and in line with the relevant policy revoked the licence. The appeal to the Magistrates' Court was dismissed on 8 February 2016 with costs of £250 being requested and awarded.

CROWN COURT – HACKNEY CARRIAGE DRIVER'S LICENCE

	Name	Date Case Heard	Result	Costs Requested	Costs Ordered	Comments
1	Eid Mujeeb	18.03.2016	Upheld in part	0	0	On 14 September 2015, as the result of convictions for two separate offences of failing to provide driver details, Committee considered and resolved to revoke the licence. On 13 November 2015 the appeal to the Magistrates was dismissed with costs of £250 being ordered. The appeal to Crown Court was upheld in part, revocation of the licence being substituted by six months' refusal to renew. The Court had a fuller picture of the facts as Mr Mujeeb was now represented by Counsel and expressed the opinion that Committee may have come to a different decision had it been in possession of material that was now before the Court.

BIRMINGHAM CITY COUNCIL

**REPORT OF THE ACTING DIRECTOR OF REGULATION AND ENFORCEMENT
TO THE LICENSING AND PUBLIC PROTECTION COMMITTEE**

13 JULY 2016
ALL WARDS

**ACTIONS TAKEN BY THE CHIEF OFFICER IN CONSULTATION WITH THE
CHAIR OF THE LICENSING AND PUBLIC PROTECTION COMMITTEE DURING
APRIL, MAY AND JUNE 2016**

1. Summary
 - 1.1 This report advises the Committee of actions taken by the Chair under authority from the Licensing and Public Protection Committee, together with an explanation as to why this authority was used.
2. Recommendation
 - 2.1 That the report be noted.

Contact Officer: Chris Neville, Head of Licensing
Telephone: 0121 303 6920
E-mail: chris.neville@birmingham.gov.uk

3. Background Information

- 3.1 On 16 March 2007 Section 52 of the Road Safety Act 2006 came into force. This has had the effect of enabling a licensing authority to suspend or revoke a hackney carriage or private hire driver's licence with immediate effect – meaning that the suspension or revocation takes effect immediately once notice of the authority's decision has been given to the driver – where this decision is considered necessary in the interests of public safety.

4. Summary of Actions Taken During April, May and June 2016

- 4.1 On 15 April 2016 authority was sought to revoke with immediate effect the private hire driver's licence held by driver reference 1160. On 15 April 2016 information was received that driver 1160 was being investigated for an offence of rape.
- 4.2 The interests of public safety being considered paramount, an authorisation of the Acting Director of Regulation and Enforcement, acting in consultation with the Chair, was obtained and on 15 April 2016 notice was delivered to driver 1160 at his home address advising that his private hire driver's licence was revoked with immediate effect, in accordance with Section 52 of the Road Safety Act 2006 and Section 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976, and his badge was retrieved.
- 4.3 On 20 May 2016 authority was sought to revoke with immediate effect the private hire driver's licence held by driver reference 63165. On 20 May 2016 information was received that driver 63165 was being investigated for an offence of rape.
- 4.4 The interests of public safety being considered paramount, an authorisation of the Director of Regulation and Enforcement, acting in consultation with the Chair, was obtained and on 20 May 2016 notice was delivered to driver 63165 at his home address advising that his private hire driver's licence was revoked with immediate effect, in accordance with Section 52 of the Road Safety Act 2006 and Section 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976. His badge and vehicle identification plates were returned on 23 May 2016 once the vehicle had been returned to him.
- 4.5 On 9 June 2016 authority was sought to revoke with immediate effect the hackney carriage driver's licence held by driver reference 43971. On 9 June 2016 information was received that driver 43971 had been charged with the offence of failing to provide a specimen for analysis. A previous licence held by driver 43971 was revoked in March 2005. The current offence is driver 43971's fourth such offence; conviction and disqualification ensued as a result of the previous three. The Sub Committee's decision in March 2005 was overthrown by Magistrates upon appeal.
- 4.6 The interests of public safety being considered paramount, an authorisation of the Director of Regulation and Enforcement, acting in consultation with the

Chair, was obtained and on 9 June 2016 notice was delivered to driver 43971 at his home address advising that his hackney carriage driver's licence was revoked with immediate effect, in accordance with Section 52 of the Road Safety Act 2006 and Section 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976. His badge and vehicle identification plates were retrieved on 15 June 2016 because he had not returned them as requested.

- 4.7 On 17 June 2016 authority was sought to revoke with immediate effect the private hire driver's licence held by driver reference 21330. On 17 June 2016 information was received that driver 21330 had been charged with the offence of assault by beating: following a disagreement over the fare paid he had accelerated his vehicle from stationary with one passenger still partly in the vehicle, causing her injury.
- 4.8 The interests of public safety being considered paramount, an authorisation of the Director of Regulation and Enforcement, acting in consultation with the Chair, was obtained and on 17 June 2016 notice was hand delivered to the sister of driver 21330 at his home address advising that his private hire driver's licence was revoked with immediate effect, in accordance with Section 52 of the Road Safety Act 2006 and Section 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976. The badge and plates were retrieved on 24 June 2016 because he had not returned them as requested.

5. Implications for Resources

- 5.1 No specific implications have been identified; however, drivers retain the right to appeal through a Magistrates' Court, which may result in the imposition of costs either to or against the City Council.

6. Implications for Policy Priorities

- 6.1 The contents of the report contribute to the City Council's published policy priority of improving the standards of licensed vehicles, people and premises in the City.

7. Implications for Equality and Diversity

- 7.1 The actions identified in this report were taken in accordance with the Regulatory Services enforcement policy, which ensures that equality issues have been addressed.

ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

Licensing & Public Protection Committee

Outstanding Minute 617(ii) 17/02/16

Use of Hover Boards / Balance Boards on Roads and Public Footpaths

The use of Hover Boards became increasingly popular in 2014 and 2015.

Currently the City Council is not involved in any initiatives regarding their use on the road or pavements. As reported to the Committee in February, Trading Standards has investigated the safety of Hover Boards.

In 2015 the Crown Prosecution Service issued guidance on the use of Hover boards, also known as Balance Scooters or 'Self-Balancing Personal Transporters'.

Use on Roads

The guidance indicated that the Department of Transport and DVLA consider them to be motor vehicles under the Road Traffic Act 1988.

However hover boards do not meet the requirements of the Construction & Use Regulations so they are not legal for road use. A 'driver' using a self-balancing personal transporter would be in breach of s87 (driving a vehicle without an appropriate licence) and s148 (driving without a policy of insurance) of the Road Traffic Act 1988.

Use on Pavement

The CPS guidance indicates that hover boards would fall within the provisions of s72 of the Highway Act 1835. This creates an offence to wilfully drive any carriage of any description on a footpath. Consequently hover boards cannot be use on a pavement.

This was used in 2011 when a man from Barnsley was fined £75 for riding his Segway on the pavement.

Fatal Accident

In December 2015 it was reported a 15 year old boy Nawaf Al-Tuwayan was killed one evening after falling off his board into the path of a London bus.

Current Enforcement

Breaches of any of the above legislation would be enforced by the Police. A Sunday Times article in December 2015 reported that police had made one confirmed arrest of a person using a hover board. This was by Sussex Police following an arrest in West Sussex.

Also in December 2015 a man from Croydon was charged and pleaded guilty to riding a hover board on the pavement having been caught on CCTV committing a theft.

Where can a Hover board be used?

The guidance indicates they may be used on private property with the permission of the landowner.

Future Policy

As these offences identified above would be enforced by the police, it would be for the police and Crown Prosecution Service to consider evidential and public interest matters before taking any formal action.

BIRMINGHAM CITY COUNCIL

LICENSING AND PUBLIC PROTECTION COMMITTEE

13 July 2016

SCHEDULE OF OUTSTANDING MINUTES

MINUTE NO./DATE	SUBJECT MATTER	COMMENTS
365(ii) 25/06/2014	<u>Committee Policy</u> – Service Director of Regulation and Enforcement to review the policy in respect of the engine size and age of private hire vehicles and report to Committee.	Report for September 2016
599 (ii)	<u>Implications of the Casey Report for Licensing</u> – That the action plan for CSE be submitted to committee once it had been updated.	Report for September 2016
603 20/01/2016	<u>Cost awarded in Legal Proceedings</u> – Service Director of Regulation and Enforcement be requested to report on the percentage of the costs received against those awarded in legal proceedings	Report for October 2016
614 (iii) 17/02/2016	<u>Shisha Lounges</u> - That a further report detailing potential harm reduction strategies is brought to Committee by June 2016.	Report for September 2016
617(ii) 17/02/2016	<u>Safety of Hoverboards</u> – Service Director of Regulation and Enforcement be requested to provide a further report regarding a collaborative policy on the use of Hoverboards.	See agenda item 14
618 (ii) 17/02/2016	<u>Licensing Authority Delegations Hackney Carriage And Private Hire</u> - Officers be instructed to draft a Code of Conduct for Members of the Licensing and Public Protection Committee, to be brought to a future Licensing and Public Protection Committee for agreement with a view to being presented to the Council Business Management Committee for inclusion in the constitution.	Report for September 2016
620 (iv) 17/02/2016	<u>Policy on Sexual Entertainment Venues</u> - That a Working Party be set up to look at the Council's Sexual Entertainment Venues (SEV) policy.	One further meeting to be undertaken
633 16/03/2016	<u>Animal Welfare Post</u> – Action to be undertaken by officers to identify alternatives to the deletion of a post in the Animal Welfare Team and find money within the budget for this post to continue	Report for September 2016

640 (i) 16/03/2016	<u>Counter-Terrorism Preparedness for Sports Grounds</u> That officers, in conjunction with Alistair Campbell, Head of Emergency Planning, provide a report on this for Committee.	Report for September 2016
640 (ii)	<u>Travellers</u> – Report to be submitted to Committee	Report for October 2016
648 20/04/2016	<u>Conditions of Licence for Private Hire Operators, Drivers and Vehicles</u> – A comprehensive report on this to be submitted to Committee	See agenda item 7
651 (ii) 20/04/2016	<u>Proposals for Vehicle Emission Standards for Hackney Carriage and Private Hire Vehicles –</u> That officers be instructed to produce a draft policy for a future meeting based on the outcome of the Committee's deliberations.	Report for September 2016
651 (iii) 20/04/2016	<u>Proposals for Vehicle Emission Standards for Hackney Carriage and Private Hire Vehicles –</u> That officers engage with the neighbouring West Midlands Licensing Authorities to discuss proposals for a regional emissions standard for hackney carriages and private hire vehicles.	Report for September 2016

BIRMINGHAM CITY COUNCIL

**REPORT OF THE ACTING DIRECTOR OF REGULATION AND ENFORCEMENT
TO THE LICENSING AND PUBLIC PROTECTION COMMITTEE**

13 JULY 2016
ALL WARDS

**REQUEST TO INTRODUCE ADVERTISING ROOF SIGNS
FOR HACKNEY CARRIAGE VEHICLES**

1. Summary

- 1.1 The Licensing Service has received a request from Mr Carl McGregor of Eyetease, seeking permission to install rooftop advertising signs on Birmingham licensed hackney carriage vehicles.
- 1.2 A similar request was considered and refused by the former Licensing Committee on 20 February 2008.
- 1.3 Mr McGregor has submitted a presentation in support of his request, which is attached as appendix 1 to this report.

2. Recommendation

- 2.1 The Committee is requested to consider the proposal put forward by Eyetease taking into account the current conditions of licence and the existing Committee policy on advertisements.
- 2.2 If your Committee is inclined to agree the request, consideration should be given to adopting the recommendations made at 5.1 in this report.

Contact Officer: Chris Arundel, Principal Licensing Officer
Telephone: 0121 464 8994
E-mail: chris.arundel@birmingham.gov.uk

3. Background

3.1 Birmingham City Council has a set of standard conditions which apply to hackney carriage vehicles. Those conditions specify the locations in and on a vehicle which may be used to display advertisements. There is no provision in the current conditions of licence for hackney carriage vehicles for roof top advertising installations,.

3.2 The current conditions also place restrictions on the subject matter which may appear in those advertisements as detailed in the extract from conditions reproduced below:

16(i) No advertisement shall be displayed upon the interior or exterior of a hackney carriage vehicle which contains, promotes or involves drugs, alcoholic drinks, politics, nudity (partial or otherwise) or sex (including articles or products associated with birth control) without the permission of the City Council.

16(ii) No advertisement which has been prohibited by the Advertising Standards Agency shall be displayed upon the exterior or interior of any Hackney Carriage.

16(iii) No advertisement shall be displayed in such a manner as to contravene the Road Traffic Acts or Road Vehicle (Construction and Use) Regulations for the time being in force.

16(iv) Any advertisement displayed upon the exterior of a hackney carriage shall be located either upon:

- a) the whole vehicle (whole livery) except in the case of Mercedes Eurocab, Peugeot Euro 7 or Fiat Eurocab vehicles;
- b) each side of the vehicle;
- c) the rear windscreen, provided that an advertisement shall only be displayed on the rear windscreen if the advertisement is printed upon a transparent screen which does not obscure the driver's view and further, that the vehicle is fitted with side or wing mirrors;
- d) on the hubcaps of the vehicle.

NB – Only **one** advertisement is allowed on any **one** location on the vehicle. For this purpose, both doors constitute **one** location.

16(v) The proprietor shall maintain the advertisement in a clean and tidy condition and shall further remove any advertisement which is damaged, defaced, or out of date.

16(vi) No advertisement shall be displayed within the interior of the vehicle unless it is located upon the underside of the tip-up seat within the

vehicle or displayed via an electronic media system with prior consultation with the Licensing Committee

4. The application

- 4.1 Mr McGregor's submission contains details of the testing to which his product has been subjected and information relating to its deployment in London.
- 4.2 It is suggested roof top advertising will provide a valuable income stream for drivers and some provision could be made to show Birmingham City Council messages. TOA (Taxi Owners Association) have expressed an interest in the product and Eyetease have indicated TOA would be willing to become the local installation partner for their roof top advertising system.
- 4.3 Mr McGregor has been asked to provide additional information in respect of the impact of the iTaxitop on fuel economy. His response is attached at appendix 2.
- 4.4 The applicant has advised he is happy to attend the meeting and will answer any questions members may wish to put to him.

5 Recommendations

- 5.1 If after consideration members agree to the proposal to allow roof top advertising signage and approve the iTaxitop for installation on Birmingham vehicles, officers make the following recommendations:
 - i. Any advertisement displayed via a roof top installation must comply with the Committee's standard advertising requirements with respect to content.
 - ii. No additional advertising media is to be displayed or installed in or on the vehicle at the same time as the roof top advertising unit, other than taxi radio circuit/app booking service logos which should be restricted to the lower panels of the doors on both sides of the vehicle.
 - iii. Permission should be specific to this application and not seen as a general permission to introduce roof top advertising.
 - iv. Installation and removal must be carried out only by the applicant's nominated installer.
 - v. No installation should take place until suitable conditions have been devised and approved for vehicles. Conditions are not put forward for approval at this time as conditions of licence for hackney carriage vehicles are currently under review and new conditions will be presented to your Committee for approval later in the year.
- 5.2 In London the vehicle approval is limited to traditional "London Cabs", unlike Birmingham where a variety of wheelchair accessible vehicles can be licensed. Restrictions already exist for those van derived vehicles in respect of the placement of advertising and the colour requirement, all vehicles must

be black and full body advertising is forbidden in order to ensure the colour of the vehicle is not obscured. Members may wish to consider approving roof top advertising for these vehicles as an alternative to other types of advertising and to further distinguish the vehicles from people carrier types licensed for the purpose of private hire.

- 5.3 Members may also wish to take into consideration the restrictions imposed in London, where installation is limited to a maximum of 1000 vehicles and may only be applied to TX4 types, presumably because they constitute the latest, least polluting types. However it should be noted if such a restriction were applied in Birmingham, the available fleet would be limited to just 54 vehicles.

- 6. Implications for Resources

- 6.1 No specific implications have been identified.

- 7. Implications for Policy Priorities

- 7.1 The contents of this report contribute to the protection, safety and welfare of residents and visitors to the City by ensuring that licensed hackney carriage vehicles are compliant with required vehicle standards.

- 8. Public Sector Equality Duty

- 8.1 No specific issues have been identified

ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: Nil



Submission to support review process for digital rooftop advertising system for taxis in Birmingham

22nd March 2016

eyetease
Page 293 of 316

1. Introduction
2. Background & technology Benefits
3. Benefits & considerations for Birmingham
4. Birmingham wants the iTaxitop!
5. The Technology
6. Testing & Certification
7. Case Study – London
8. Appendices

1. Introduction

- The pack provides information in support of the approval process for digital advertising screen units ('digital taxitop') on the roof of black taxis in Birmingham
- We have prepared a high level summary supported by appendices
- We hope you are able to support this creative and innovative UK enterprise
- We share a desire to create a more connected and intelligent city through this new generation technology
- The Eyetease® iTaxitop™ is Transport for London (TfL) approved and on the road in London
- Trade take-up is strong with hundreds of digital taxitop units on the road already
- We're excited at the prospect of rolling out across major cities in the UK

A journey five years in the making...



2. Background & Technology Benefits

Eyetease is a global leader in technology for taxis

- Established in 2010
- Manufacturer of disruptive digital media technology for taxis
- Technology is TfL approved
- iTaxitop is approved for use in 4 UK cities
- Thousands of systems deployed globally incl. UK, USA, Russia, Turkey and India
- Client base includes some of the world's largest media / taxi media companies
- Manufactured and assembled in the UK
- Top 5 fastest growing British Company (Santander Bank, 2014)
- Best use of Technology Award (O2, 2013)
- Innovation Award (Hewlett Packard, 2013)

Key Benefits of digital taxitop

- Intelligent targeted communication channel for public information, safety & transport messages (in addition to advertising)
- Low emission, solar enabled technology
- Helping modern cities become more connected and intelligent
- Helping preserve the national icon that is the black cab

Featured in the Global Press

BBC

The Telegraph

CNN

London
**Evening
Standard**

MediaWeek

WALL STREET JOURNAL


THE SUNDAY TIMES

Virgin

CITY A.M.

TNW
THE NEXT WEB

Daily Mail

TimeOut
London

3. Benefits & considerations for Birmingham

Benefits to the locality

- New revenue stream for local Taxi drivers
- New revenue stream for local Fleet owners
- Local resource required for installation of technology
 - New revenue stream for local businesses, could create new jobs
- Ability to utilise technology to send local Council / Government messages
 - e.g. "Litter campaign" messaging
- Ability to utilise technology to send important public messages
 - e.g. "Moor Street Station closed for engineering works, please use bus service"
- Ability to promote local events and charities
 - e.g. "Birmingham Pride celebrates its 20th year!"
- The technology is 'Greener' than tradition vinyl based advertising
 - Minimal recyclable waste

Considerations for Birmingham

- The iTaxitop is now approved in four UK cities and we hope to make Birmingham the fifth!
- It is envisaged that a percentage of advertising time could be allocated to the Council / Government for public messaging
- The technology is designed and manufactured in the UK and would utilise local resource within the City (Partner already selected!)
- The technology allows for targeted advertising so that content is always relevant to location and time of day
 - Breakfast at local cafes advertised in the morning only and within a 1 mile radius of the café
 - Theatre productions advertised in the evening only and within a 1 mile radius of the theatre

4. Birmingham wants the iTaxitop!



"I am writing confirm that we at TOA taxis support you in your proposal to install your roof top technology to taxis in Birmingham.

We currently operate over 400 taxis and see this as a great opportunity to secure an additional revenue stream for drivers which will help to support the licensed taxi trade here in Birmingham."

TOA Taxis represent the voice of the licenced taxi industry within Birmingham

- Established 1961
- TOA boasts the largest and most modern fleet within the city
- Responsible for over 400 cabs in Birmingham
- All TOA taxis are approved by Birmingham City Council Hackney Carriage Department.
- Chairman Manawar Hussain speaks on behalf of TOA and recognises the benefit of Eyetease technology being approved within Birmingham
- TOA are prepared to become the local installation partner for Eyetease technology within the city

5. The Technology

Solar powered auxiliary cooling system to prevent overheating when 'engine off' / 'system off'

Service Door for easy access to components to ensure MTTR <30mins

Heat exchanged based **Thermal Management System** to function in -20C to +40C

Ambient Light Sensor to automatically adjust screen brightness (100nits to 2000nits) to suit all lighting conditions

Condensation Management System to actively monitor internal moisture levels, attract moisture and automatically remove from inside unit

Vibration Management System to protect LCD screens and all components from impact from the road

3G Wireless Module and **GPS Module** to provide data transfer and enable geo-targeting (respectively)



Power Management System (including **Internal Battery**) to ensure safe boot-up / shut down AND continual monitoring of vehicle health

Solid State Hard drive Resistant to shock and vibration. Error code correction.

Cosmetic **ABS capped acrylic** enclosure customized to client requirements

High brightness / High Definition LED backlit **LCD Panels (2000 nits)**

Customized **USB** access to facilitate maintenance, testing and diagnostics

Quick Release mounting system to enable <15mins deinstallation / installation time

6. Testing & Certification



Testing Summary

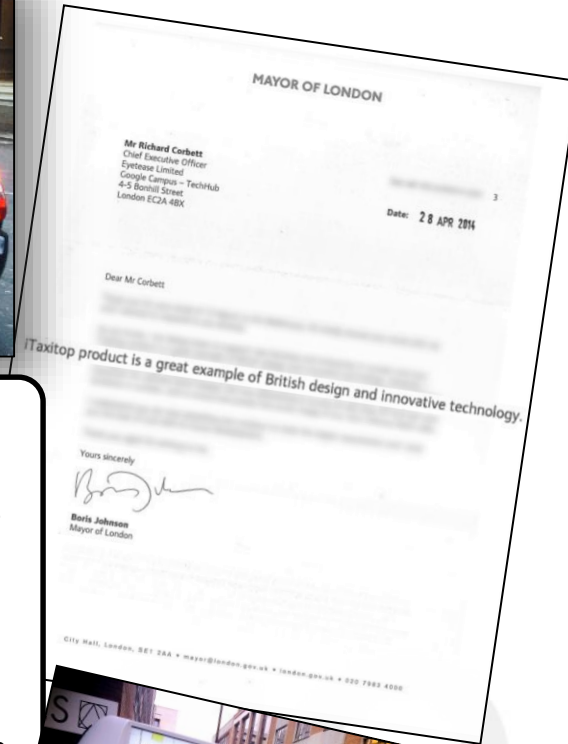
The iTaxitop has been tested* and certified to UK and International safety and technical standards for vehicle based applications since December 2011:

1. Distraction testing (specified by TfL)
2. Structural Engineering Assessment
3. IP 65 testing
4. Environmental and temperature testing
5. Accelerated durability and Pave testing
6. E-marking
7. Conformity of Production
8. EMC testing

Today, the iTaxitop has undergone more than 500,000 operational hours and is approved for sale and use on vehicles in 56 countries.

***See Appendices for copies of reports**

7. Case Study - London



- Approved by TfL September 2014 (after 4 years of testing & certification)
- Comprehensive taxitop Policy published October 2014 (see appendix)
- Personally endorsed by Mayor of London
- Hundreds of cabs already on the road
- Media managed by the world's largest taxi media owner
- Campaigns already up and running
- Positive feedback from public

Page 301 of 316

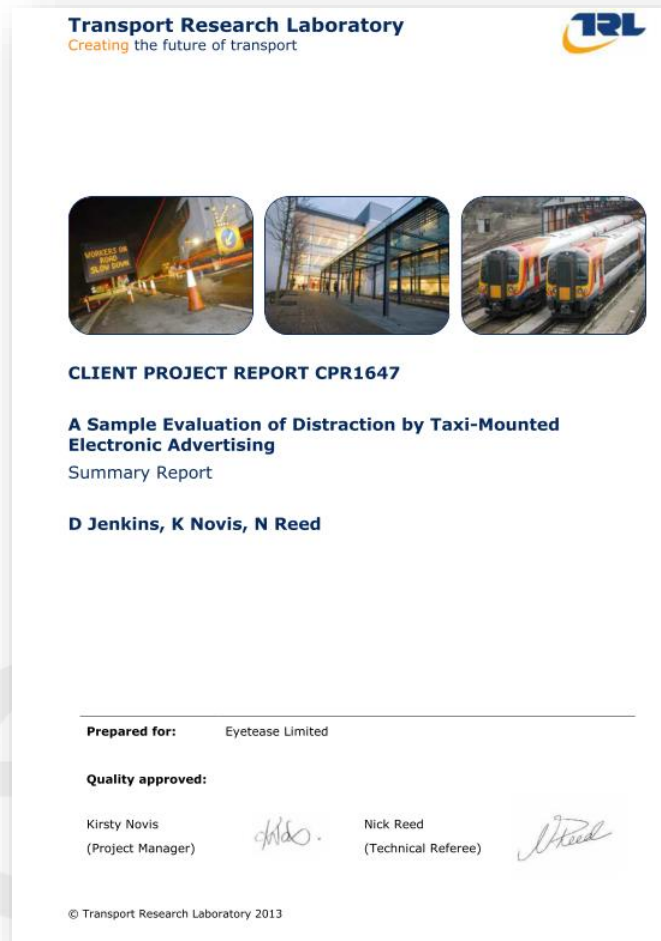


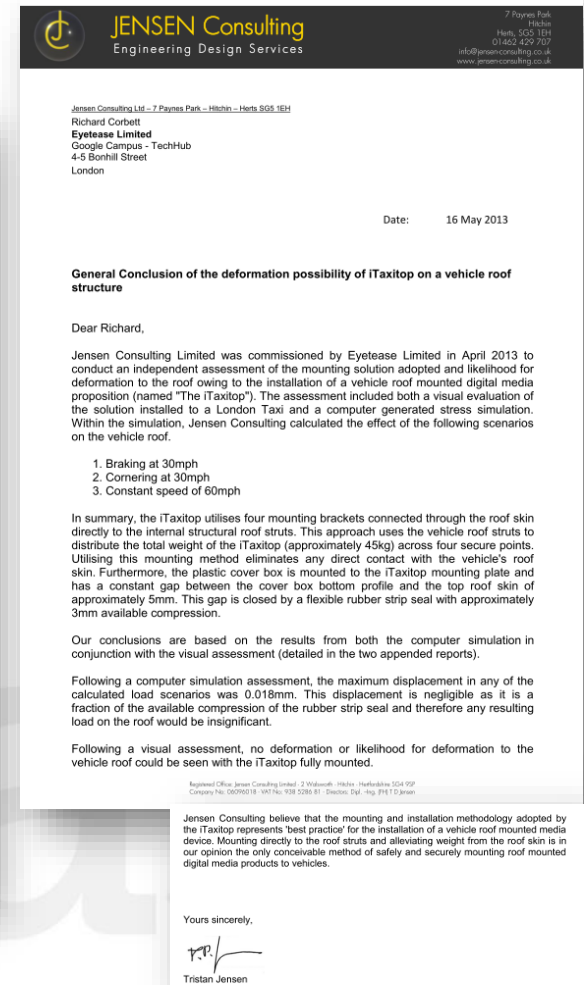
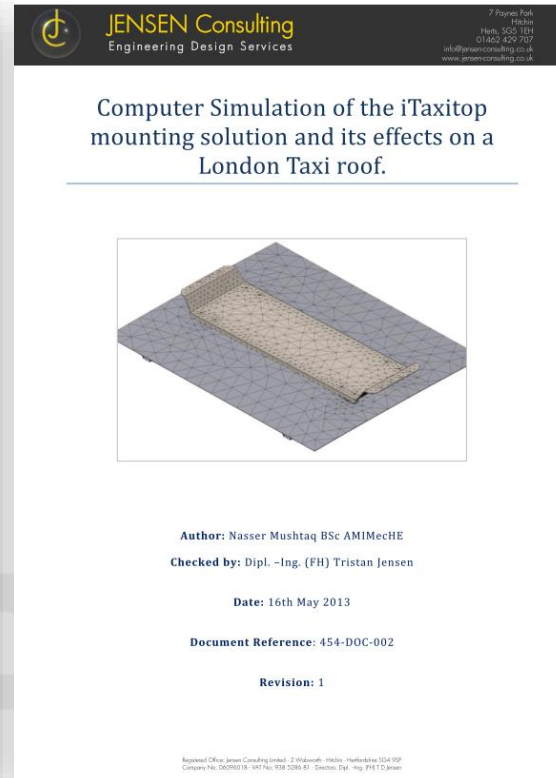
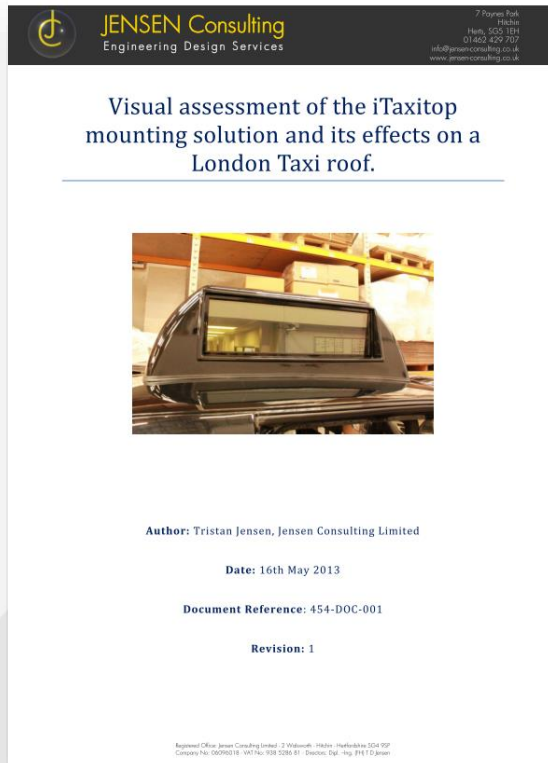
- We look forward to discussing this proposal and potential approval with you
- We very much hope to have the opportunity to roll-out in Birmingham
- We hope that you find this submission contains all the information you require. We are, of course, happy to take any further questions you might have at your convenience
- Copies of Testing & Certification Reports are available on request
- We look forward to hearing from you in due course



8. Appendices

Appendix	Type of test	Organisation	Date	Ref. number	Notes
1	Distraction testing	TRL	21/8/2013	CPR1647	
2	Structural Engineering Assessment	Jensen	16/5/13	454-DOC-001, 002, 003	
3	IP 65 testing	ISO 9001 Manufacturing Partner	20/01/12	A3-309-201	
4	Environmental and temperature testing	ISO 9001 Manufacturing Partner	20/01/12	A3-309-201	
5	Accelerated durability and Pave testing	MIRA	11/1/12	0223273	
6	E-mark	VCA	28/08/14	10R-037505	
7	Conformity of Production	VCA	9/1/12	EAL217867	
8	EMC testing	TUV	12/12/11	75909781	
9	n/a	TfL	September 2014	2868	Approval Letter
10	n/a	TfL	October 2014	n/a	Policy Document







The installed unit was subjected to water jet testing at 120 Bars from a distance of 2M from six different axes. The unit was powered up and continuously on throughout the test.



2.5 IP Rating

The iTaxitop has been tested and approved to meet the Ingress Protection level IP65. Details of the Ingress Protection levels are as follows:

IP (Ingress Protection) Ratings	
Level of protection against solid objects, materials or dust	Level of protection against water and other liquids
0	No protection
1	Protected against solid objects down to 50 mm
2	Protected against solid objects down to 12 mm
3	Protected against solid objects down to 2.5 mm
4	Protected against solid objects down to 1 mm
5	Protected against dust, limited ingress (no harmful deposits)
6	Totally protected against dust
0	No protection
1	Protection against vertically falling drops of water (e.g. condensation)
2	Protection against direct sprays of water up to 15 degrees from vertical
3	Protection against direct sprays of water up to 60 degrees from vertical
4	Protection against water sprayed from all directions - limited ingress permitted
5	Protection against low pressure jets of water from all directions - limited ingress permitted
6	Protection against low pressure jets of water, limited ingress permitted (e.g. ship deck)
7	Protected against the effect of immersion between 6 in. / 15 cm and 3 ft / 1m
8	Protected against long periods of immersion under pressure

The iTaxitop includes a bank of fans which are exposed to the open air, these fans are fully IP68 rated and were created specifically for use within the iTaxitop.

The IP68 fans were subjected to 330 hours of continuous submersion whilst working in order to prove their suitability for this product

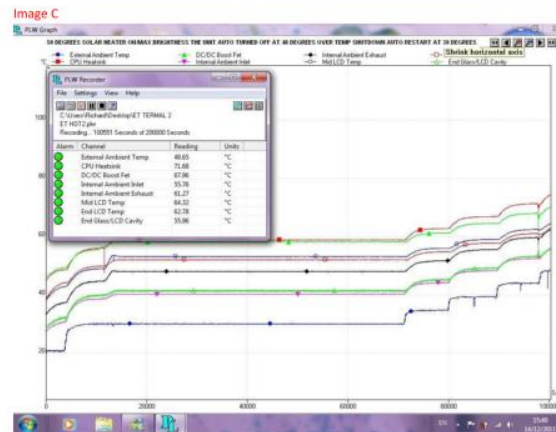
Distance from equipment = 2 Meters
Water Temperature = 5 Degrees Centigrade
Water Flow Rate = 7 L/min or 240 L/Hour
Water Pressure = 120 Bars
Exposure Time = 30 Min Per Axis
Ambient Temperature = 10 Degrees Centigrade

Note: The iTaxitop unit was functional during the above tests.
The results are tabulated below.

Water Jet Spray Axis	Exposure Time in Min
A	30
B	30
C	30
D	30
E	30
F	30



After 3 hours of water Jet spraying the iTaxitop was carefully uninstalled from the vehicle and the enclosure was removed to see if any water ingress had occurred inside the unit. The investigation showed that no water had entered the IP rated enclosure after 3 hours of water jetting.



Hot Temperature Test for iTaxitop Display Unit

The following Hot test was conducted to evaluate if the iTaxitop hardware is suitable for Hot weather.

The results are tabulated below:-

All results are in Degree Centigrade (°C) and the display brightness is set to maximum

Description/Temperature	20	30	35	40	45	50
External Ambient Temp	21.12	29.95	29.97	34.77	39.37	44.00
CPU Heatsink Temp	48.67	56.03	58.92	62.82	66.92	71.68
DC/DC Boost Mosfet Temp	49.44	56.62	58.26	61.20	64.60	67.96
Internal Ambient Inlet	30.71	38.66	40.26	44.22	48.31	52.52
Internal Ambient Exhaust	37.37	44.88	48.00	51.77	55.70	59.71
Mid LCD Temperature	42.92	49.04	53.22	56.09	59.03	62.54
End Panel Temperature	44.13	49.95	52.17	54.91	57.80	61.16
End Glass/LCD air gap Temp	32.53	40.06	41.52	45.28	49.24	53.53
Solar Thermal Loading	OFF	OFF	ON	ON	ON	ON

The iTaxitop unit functioned according to specification during the above thermal test.

Note: At 50 Degrees Centigrade the iTaxitop unit auto turned off at 48 Degree Centigrade due to over temperature shutdown and auto restarted at 38 degree Centigrade



1032667001

Test Results

Eyetease Ltd Vehicle Mounted Digital Advertising Screen- Pavé Test

Customer: Carl McGregor
Melford Electronics Ltd on
behalf of Eyetease Ltd

Melford Electronics Ltd
Unit 14 Blenheim Road
Cressex Business Park
High Wycombe, Bucks
HP12 3RS
carl.m@melford-elec.co.uk

MIRA Contact: Jamie Anderson
Vehicle Development
Engineering
MIRA Ltd
Watling Street
Nuneaton
Warwickshire
CV10 0TU
+44(0)2476355046

Authority: 0223273
Test Date(s) 11/01/12

Witnesses: Chris Malpass, Jamie
Anderson, Beccy Randle,
Carl McGregor, Richard
Corbett

Test Objective/Method

On behalf of Eyetease Limited, Melford Electronics Limited requested MIRA to complete a short distance pavé test in order to determine the initial durability of Eyetease Limited's vehicle roof mounted digital advertising screens (product name the 'Taxitop').

The objective of the test was to determine whether the 'Taxitop' would come loose, move position and/or experience any change in functionality when subjected to 3 full laps of the MIRA proving ground pavé circuit at 3 different speeds.

The test was requested for the purpose of ensuring that the 'Taxitop' meets the necessary safety standards and requirements for vehicle rooftop mounted products.

Prepared By:


Jamie Anderson
Engineer

Approved By:

Guy Foulger
Manager

Date: 13/1/12

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MIRA Ltd. Registered Office: Watling Street, Nuneaton, Warwickshire - CV10 0TU, England. <http://www.mira.co.uk>
Tel: +44 (0)24 7635 5000 Fax: +44 (0)24 7635 5001 Email: info@mira.co.uk VAT Registration GB 100 1464 84



THE UNITED KINGDOM VEHICLE APPROVAL AUTHORITY

COMMUNICATION CONCERNING THE APPROVAL GRANTED⁽¹⁾/ APPROVAL EXTENDED⁽¹⁾/
APPROVAL REFUSED⁽¹⁾/ APPROVAL WITHDRAWN⁽¹⁾/ PRODUCTION DEFINITELY
DISCONTINUED⁽¹⁾ OF A TYPE OF ELECTRICAL/ ELECTRONIC SUB-ASSEMBLY⁽¹⁾ WITH
REGARD TO REGULATION NO. 10.04

E11

Approval No: 10R-047505


Extension No: 01

1. Make (trade name of manufacturer): Eyetease Ltd.
2. Type and general commercial description(s): A4-309-001 Taxi Top Monitor-Eyetease-Issue 1 Rev B
3. Means of identification of type, if marked on the vehicle/component/separate technical unit:⁽¹⁾
Self-adhesive product label
- 3.1. Location of that marking: Underside of product
4. Category of vehicle: Not applicable
5. Name and address of manufacturer:
Eyetease Ltd.
4-5 Bonhill Street
London
EC2A 4BX
United Kingdom
6. In the case of components and separate technical units, location and method of affixing of the ECE approval mark: See items 3 and 3.1

EAQ299349

An executive agency of the Department for Transport
June 2012 Revision 0

Page 309 of 316





Approval Holder;
Eyetease Ltd
155 Manhattan Building
The Bow Quarter
Fairfield Road
London
E3 2UJ, United Kingdom

VCA Headquarters
1 The Exchange Office Centre
Exchange Road
Barnet, B5 6XX
United Kingdom
Switchboard: +44 (0) 17 93 5151
Direct line: +44 (0) 17 932
Main Fax: +44 (0) 17 932 4103
Email: enquiries@vca.gov.uk
Web: www.vca.gov.uk

Our CoP Reference: 29/2697
Job Number: EAL217867
Date: 9th January 2012

Dear Mr Richard George ,

CONFORMITY OF PRODUCTION

Thank you for your recent submission of quality documents.

The information that you have given provides satisfactory evidence of the quality system/controls operating within:

Assembly Plant;
Melford Electronics Ltd
14 Blenheim Road
High Wycombe
Buckinghamshire
HP12 3RS
United Kingdom

Therefore I am glad to confirm that Conformity of Production clearance has been granted.

Conformity of Production Clearance is generally granted on a 3 yearly basis. At the end of the clearance period, a review will be undertaken. If everything is satisfactory then a further period of clearance will be granted. An audit visit may however take place before or within the period of clearance, at a mutually convenient time/date.

Under our procedures we retain the right to make monitoring visits to witness the system in operation, which are chargeable. In addition, we may purchase type approved vehicles and components and check them against the relevant Regulations and Directives.

It should be noted that Conformity of Production clearance relates only to manufacturing systems and procedures. Product approval does not exist until the appropriate type approval certificate has been issued. If you require further help or information please let me know.

Yours sincerely
Angie Bissett

Angie Bissett – CoP Technical Manager
VCA – Midlands Centre
Watling Street
Nuneaton
CV10 0UA
United Kingdom

T: +44 (0)24 76642589
E: angie.bissett@vca.gov.uk



VCA Midlands Centre
Nuneaton, Warwickshire, UK
Telephone: +44 (0)247 622 840
Fax: +44 (0)247 622 829
Email: enquiries@vca.gov.uk

VCA Millbrook Centre
Millbrook, Bedford, UK
Telephone: +44 (0)1235 438444
Email: millbrook@vca.gov.uk

VCA North America
Northville, Michigan, USA
Switchboard: +1 248 4600111
Main Fax: +1 248 3493261
Email: general@vcausa.com
Web: www.vcausa.com

Other office
Ashford, Ohio, USA
Telephone: +1 419 287 8123
Fax: +1 419 287 1191
Email: carpet@vcausa.com
Web: www.vcausa.com

VCA East Asia
Nishi-ku, Nagoya, Japan
Telephone: +81 52 481 9810
Nathan Banger +81 52 481 03 094
Fax: +81 52 481 03 094
Email: enquiries@vca-asia.jp
Web: www.vca-asia.net

VCA Malaysia
Selangor, Malaysia
Telephone: +6 03 474 44221
Fax: +6 03 474 4388
Fax: +6 03 474 43225
Email: audience@vca.gov.uk

VCA China
Beijing
Telephone: +86 10 62 8591373
Fax: +86 10 62 859137



Product Service

Choose certainty.
Add value.

Report On

EMC Type Approval Testing of the
Eyetease Ltd
Dual-sided 1000cd/m Display Advertising Module

VCA JOB NUMBER: EAL217867

COMMERCIAL IN CONFIDENCE

Document 75909781 Report 08 Issue 1

December 2011



Product Service

TUV Product Service Ltd, Snitterfield Road, Bearley, Stratford-upon-Avon,
Warwickshire, United Kingdom, CV37 0EX
Tel: +44(0)1789 731155 - Website: www.tuvsps.co.uk

COMMERCIAL-IN-CONFIDENCE

REPORT ON

EMC Type Approval Testing of the
Eyetease Ltd
Dual-sided 1000cd/m Display Advertising Module


Document 75909781 Report 08 Issue 1

December 2011

PREPARED FOR

Eyetease Ltd
155 Manhattan Building
The Bow Quarter
Fairfield Road
London E3 2UJ
UK

PREPARED BY


R Johnston
EMC Test Engineer

APPROVED BY


D C West
Authorised Signatory

DATED

12 December 2011



[Home](#)
[Taxi & private hire licensing](#)
[Become a taxi licensee](#)
[Taxi top advertising](#)

Taxi top advertising

From Monday 1 December 2014, TX4 vehicle licence holders may apply to TfL for a new vehicle licence with approval for their taxi to be fitted with taxi top advertising.

[▼ Rooftop illuminated digital advertising](#)
[▼ Requesting a new taxi top vehicle licence](#)

[▼ Eligibility criteria](#)
[▼ Completed forms and documentary evidence](#)

Rooftop illuminated digital advertising

A decision has been made to limit the number of vehicles to 1,000 at this time.

In limiting the number to 1,000, we have taken into consideration the fact that this is new technology and it allows us to properly assess their impact and how they are received by the public. It also helps to ensure the visual impact of the London taxi and the streetscape of London is maintained.

Eligibility criteria


- Only the licence holders of licensed TX4 model taxis are eligible to apply
- For each application an agreement must be in place with an approved manufacturer and evidence of this must be provided as part of the application

The current approved manufacturers are:

- Brightmove
- Eyetease

Please review the Taxi Top Policy document for further information about Taxi Top Advertising.

[Taxi roof top illuminated digital advertising policy](#)
PDF 111KB

Transport for London


Taxi Roof Top Illuminated Digital Advertising Unit Requirements and Vehicle Specific Approval

1. Introduction

Transport for London (TfL) has been considering allowing digital illuminated advertising technology to be installed on the roof of London taxis ('taxi top advertising'). Extensive development work and initial road trials have been carried out with several versions of the roof top technologies and TfL is now satisfied that, subject to compliance with requirements specified by TfL, this type of equipment can be fitted to taxis licensed by TfL. As from 1 December 2014, up to 1,000 TX4 London taxis will be allowed to be fitted with taxi top advertising.

In limiting the number to 1,000, TfL has taken into consideration the fact that this is new technology and a limit of 1,000 allows us to properly assess their impact and how they are received by the public. It also helps to ensure the visual impact on the London taxi and the streetscape of London is maintained. TfL will consider feedback and/or evidence as to the impact of this new technology, and may revise this policy as it considers appropriate.

From 1 December 2014, TX4 vehicle licence holders may apply to TfL for a new vehicle licence with approval for their taxi to be fitted with taxi top advertising. Section 3 of this policy sets out the process for dealing with applications and managing the approval and re-licensing process.

Although licences with approval for taxis to be fitted with taxi top advertising will be granted to vehicle licence holders, TfL will continue to work with manufacturers and suppliers of taxi top advertising units in the approval process (see Section 2) and the ongoing development of this technology.

2. Unit Requirements

All taxi top advertising units must be of a type that meets requirements specified by TfL as set out in Annex A. Once it has been demonstrated to TfL's satisfaction that the unit meets these requirements, the unit type will be approved by TfL for installing on licensed taxis.

When approving units, TfL will follow its standard approval process for the installation of additional equipment in or on licensed London taxis. This process is set out in the document, [Approval Process for Additional Equipment in Licensed London Taxis and PHVs](#).



eyetease

25 – 25a Cudworth Street,
London, E1 5QU

Commercial Director: Carl McGregor

M: +44(0)7788 319 472 | E: carl@eyetease.com

W: www.eyetease.com | Twitter: @Eyetease

Impact on Fuel Economy

The impact on fuel consumption is very small at less than 1%.

The iTaxitop is designed by aerospace engineers to ensure minimal drag and therefore effect on fuel consumption. FYI, wind resistance in any form really doesn't come into play until you get above 50MPH and the majority of the time a taxi is in a city environment and therefore it is usually below this threshold.

The unit is powered both by solar panels and the headroom within the vehicle battery, we only use the battery capacity above and beyond that required to start the vehicle or power essential electronics (lights, warning signals etc.). This means power requirements have zero effect on fuel economy.

We have over 200 'cabbies' in London who are very opinionated and conscious of the performance of their 'office on wheels' and we have not had a single complaint about effect on fuel efficiency with over 0.75M road miles covered.

The only true effect to fuel economy comes from additional weight (which is arguably a moving goal post due to differing weights and quantities of passengers and luggage using the taxi)

Based on an industry report titled "Impact of Vehicle Weight Reduction on Fuel Economy for Various Vehicle Architectures" conducted by Ricardo Inc. for The Automotive Aluminium Association an adjustment in weight of 5% effects fuel economy by 1% in a "Large SUV" (comparable to a TX4 taxi).

The iTaxitop represents 2.5% (rounded up from 2.3% for ease) of the TX4 curb weight so this number becomes a 0.5% impact on fuel economy.

For arguments sake let's call it 1% to give a real worst case scenario;

TX4 = 35.0MPG (average)

A potential decrease of 1% = 34.65MPG (Worst case, actual figure is 0.5% decrease)

Cost of fuel = £1.07 per litre (todays average in Birmingham)

£1.07 per litre = £0.22 per Gallon (Imperial)

A loss of 0.35MPG means a direct cost of £0.0022 per Gallon

Based on a TX4 fuel tank of 50 Litres (10.99 Gallons) = An additional cost of £0.025 (rounded up from 0.0241) per full tank of fuel

So in summary, yes the iTaxitop affects the fuel economy but this effect is so small that it is measured in fractions of pennies and fractions of percent.

